DOCUMENT RESUME

ED 418 261 CE 076 183

AUTHOR	Dadzie, Stella, Comp.
TITLE	Equality Assurance: Self-Assessment for Equal Opportunities in Further Education.
INSTITUTION	Further Education Development Agency, London (England).; Equal Opportunities Commission, Manchester (England).; Commission for Racial Equality, London (England).
ISBN	ISBN-1-85338-473-9
PUB DATE	1998-00-00
NOTE	92p.
AVAILABLE FROM	Further Education Development Agency, Publications Department, Coombe Lodge, Blagdon, Bristol BS40 7RG, England, United Kingdom (7 British pounds).
PUB TYPE	Guides - Non-Classroom (055)
EDRS PRICE	MF01/PC04 Plus Postage.
DESCRIPTORS	Access to Education; Civil Rights Legislation; Compliance (Legal); Disabilities; *Educational Opportunities; *Equal Education; Evaluation Methods; Foreign Countries; *Policy Formation; Postsecondary Education; Program Evaluation; Racial Discrimination; *School Policy; *Self Evaluation (Groups); Sex Discrimination; Sex Fairness; Sexual Harassment; Strategic Planning; Technical Education; Vocational Education
IDENTIFIERS	Quality Assurance; *United Kingdom

ABSTRACT

This manual is intended as a tool kit for further education (FE) colleges to use to develop their own approaches to equal opportunities policy development and implementation. The following topics are discussed in the eight sections: the manual's development; the case for equality; things an equal opportunities policy should cover; strategic and operational planning and the measurement of achievement; the self-assessment process; sector standards, key questions, and sources of indicative evidence (the FE college and its mission; teaching and learning; students' achievements; curriculum content, organization, and management; support for students; staffing and specialist equipment and cross-college and general provision; quality assurance; management; governance); and legal framework (relevant provisions of acts regarding sex, racial, and disability discrimination; legislative and nonlegislative equal opportunities considerations; case law). Appended are the following: practical guidance on dealing with racial, sexual, and other forms of harassment and relevant case law; list of 54 useful publications and 24 useful addresses; and guidelines for using the equal opportunities self-assessment pro forma. (MN)

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COMMISSION FOR RACIAL EQUALITY

EQUAL OPPORTUNITIES COMMISSION

FEDA Further Education Development Agency

ED 418 261

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Equality assurance:
self-assessment for equal opportunities in further education

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COMMISSION FOR RACIAL EQUALITY

EQUAL OPPORTUNITIES COMMISSION

FEDA Further Education Development Agency

Compiled and edited by Stella Dadzie

Equality assurance:
self-assessment for equal opportunities in further education

Published by the Further Education Development Agency (FEDA),
Dumbarton House, 68 Oxford Street, London W1N 0DA
Tel: [0171] 436 0020 Fax: [0171] 436 0349

Feedback and orders should be directed to:
Publications Department, FEDA,
Coombe Lodge, Blagdon, Bristol BS40 7RG

Registered with the Charity Commissioners

Editor: **Jennifer Rhys**

Designer: **Mike Pope**

Printed by: **Blackmore Limited, Longmead, Shaftesbury, Dorset SP7 8PX**

ISBN 1 85338 473 9

Cover illustration: **Mike Pope**

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CRE: The Commission for Racial Equality is working for a just society which gives everyone an equal chance to learn, work and live free from discrimination and prejudice and from the fear of racial harassment and violence.

EOC: The Equal Opportunities Commission sees its mission as working to bring about a society in which equality of opportunity and equal treatment between men and women are recognised and upheld as fundamental rights.

FEDA: The Further Education Development Agency is an independent organisation established in April 1995 to provide services to further education which promote quality, lead curriculum design and development, and enhance effective governance and management.

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Acknowledgements

A number of organisations and individuals have helped in the production of this manual. The development work was led by Judith Edwards and Anna Reisenberger with Stella Dadzie as the project consultant. We wish to thank all those colleagues who contributed their time, ideas and suggestions, particularly Carolann Edwards and those listed below who took time out of their busy schedules to take part in FEDA's consultation workshops, contribute examples of good practice from their own institutions and give constructive feedback on the various drafts of the text.

The project was led by an advisory group whose guidance and expertise were invaluable. The advisory group members were:
Vivien Bailey, FEFC Inspectorate
Phil Barnet, Commission for Racial Equality
Conchita Henry, Lewisham College
Jeet Khosa, The Sheffield College
Anne Madden, Equal Opportunities Commission
Helena Stockford, Consultant

We are grateful to the following organisations who also contributed expert information and commented on the text:
Commission for Racial Equality
Equal Opportunities Commission
Further Education Funding Council for Wales
Martineau Johnson, Solicitors
NATFHE
Refugee Council
Royal National Institute for the Blind
Skill
Workers Education Association

With thanks to the contributors to the development workshops
Cathy Bragg, Student Support, Thomas Danby College
Judith Cashmore, Rodbaston College
Hilary Cowley, Warwickshire College
Sheila Farrell, Care and Support, City College Manchester
Lesley Harry, Tameside College
Tony Henry, East Birmingham College
Nathan Heyward, National Union of Students
Eileen Mathie, Havering College of FE
Maureen Mellor, City of Liverpool Community College
Frances Tucker, NATFHE
Cheryl Turner, WEA

With thanks to the following colleges for case study material
Amersham & Wycombe College
Carshalton College
City & Islington College
Havering College
Lewisham College
Newcastle College
Sheffield College
South Nottingham College
Tameside College
Tresham Institute
Blackpool & Fylde College
City College Manchester
College of North West London
Lambeth College
Liverpool Community College
Rodbaston College
Skelmersdale College
Stockport College
Thomas Danby College
Warwickshire College

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Foreword

The Funding Council firmly believes that all students are entitled to equality of opportunity – the opportunity to participate in education and training; the opportunity to complete their courses; and the opportunity to achieve, and to progress to employment or further study. For this reason, the Council was happy to endorse the first edition of this manual, *Further Education and Equality: A Manager's Manual* which has made an important contribution to equality of opportunity in colleges since it was published in 1995.

Since that time, the Further Education Funding Council has published the reports of two influential external committees chaired by Professor John Tomlinson and Baroness Helena Kennedy, QC. Their reports, *Inclusive Learning and Learning Works*, made important recommendations to the government and the further education sector. They proposed ways of improving education and training for those with learning difficulties and/or disabilities and of widening participation amongst people who are under-represented in further education.

The Council has also published advice to colleges on how to widen participation, with examples of good practice and a wealth of statistical information. A new framework has been introduced for inspection and for colleges to use in the self-assessment of the quality of their provision, which includes an increased focus on the needs of the individual learner. Together, these publications provide an invaluable resource for colleges seeking to offer equality of opportunity to their students.

Staff, too, are entitled to equality of opportunity. I am pleased to see that this manual provides useful guidance on the rights of employees and the legal duties of employers. The efficient and effective deployment of staff means that all personnel should have the opportunity to develop their talents to the full.

I am delighted to commend this revised manual to my colleagues in further education colleges, in the inspectorate and in other directorates of the Funding Council. It reminds us that imagination and creativity play an important part in using the available resources in further education to the best advantage of all students. It adds an important dimension to colleges' self-assessment of their provision. It will help all in the sector to build on the developments of recent years so that equality of opportunity can flourish in all aspects of college life.

Professor David Melville

Chief Executive

Further Education Funding Council (England)

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Preface

The Further Education Development Agency has been committed to equal opportunities since its inception. Our remit focuses on supporting the development of quality provision through research and development, publications and training for the sector. Over the past two years we have been helping colleges prepare for the new self-assessment framework. FEDA is committing considerable resources to programmes promoting and supporting inclusive learning and widening participation across the further education sector. In 1997 we also set up an FE Equal Opportunities Network, which now has over 130 members.

We were therefore pleased to work with the Commission for Racial Equality and the Equal Opportunities Commission to develop the earlier manual *FE and Equality* in line with the new inspection framework. We are grateful for their sponsorship of the publication which has enabled colleges to receive free copies of the new guide. Many other organisations and individuals, including the Further Education Councils, have generously contributed expertise and time to the development process.

The sector is very diverse and each institution will want to respond to its local communities and set its own development targets. This publication is intended to be a practical guide; it contains a disk with audit and action-planning tools which colleges can adapt for their own use. We hope it will stimulate colleges and other providers to challenge their current practice and promote equality so that all their staff and students make the most of their talents.

Stephen Crowne
Chief Executive
FEDA

Preface

The EOC has always maintained that good education and equality are key partners in promoting individual opportunity, a competitive economy and a cohesive society. It is very timely, therefore, that this revised guide for further education colleges appears when the Government has placed equality firmly on the education agenda. Government proposals for new national Education and Training Targets identify as a priority 'the promotion of equality of opportunity in education and training including tackling social exclusion and underachievement, so that everyone, men and women of all ages, people from ethnic minorities, those with disabilities and those with special educational needs, or learning difficulties, are encouraged to improve their skills and qualifications'. This new focus on equality as part of raising standards and skill levels gives an impetus to colleges to build good equality practice into all aspects of college life.

For many, further education is already the major routeway for obtaining and developing qualifications throughout their lives. Lifelong learning is closely linked to equality of opportunity and if the desire for such a system is to be realised, we must take steps to ensure that all who can benefit are encouraged and able to do so.

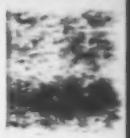
The further education sector is ideally placed to deliver the types and range of provision which will encourage participation and broaden learning opportunities for men and women of all ages. Potential students may require additional support such as help with costs of attending college, child-care provision, travelling costs and those with extra learning needs may require additional learning support. The EOC has suggested to the Further Education Support Advisory Group that a national framework of criteria for the allocation of student support for all categories of learner in FE should be developed which broadens access and promotes equality of opportunity. We hope that new funding mechanisms and student support arrangements will be developed which will reflect and support these aims.

The EOC believes that this guide will assist colleges to audit and assess the extent and quality of their equality work and to set new equality objectives as part of their strategic and action planning. We hope that, used in this way, the guide will help colleges contribute to the new national agenda for equality and to move equality forward.

Kamlesh Bahl

Chairwoman

Equal Opportunities Commission



Preface

Equality of opportunity is central to quality assurance. Since publishing *FE and Equality: A Manager's Manual* in 1995, in partnership with the Equal Opportunities Commission, the CRE has been promoting good equality practice across the FE sector. Our aim has been to ensure that institutions incorporate racial equality standards into quality assurance criteria and practice, and to succeed in removing racial inequality from employment and service delivery.

The Commission launched The Leadership Challenge in June 1997. It aims to encourage corporate leaders and their organisations to take responsibility for ending racial inequality in their spheres of influence. FEDA and the FEFC(E) were among the first public sector organisations to accept the challenge, and this guidance is part of their response to it. The CRE congratulates them on this initiative.

The achievement of racial equality outcomes in further education has never been more important. OFSTED's report *Recent research on the achievement of ethnic minority pupils* (1996) shows authoritatively that academic achievement varies unacceptably between ethnic groups. This is also reflected in employment data showing that, amongst 16-24 year olds, unemployment is twice as high for ethnic minority groups as for white people. Further education is the chosen destination for many young ethnic minority adults seeking routes out of academic failure and towards improved employment prospects. Among 16-24 year olds, for example, both Asian and African Caribbeans are more likely to stay in full-time education than their white counterparts. Therefore colleges need to be aware that the race equality agenda is less an issue of access – although this needs to be kept under constant review – and more one relating to the quality of students' experience and outcomes.

This guidance is designed to support colleges in their efforts to incorporate racial equality within the new inspection context of self-assessment. The emphasis to be paid to student learning and achievement within this new framework ought to be immensely helpful in concentrating attention on equality outcomes. The systematic use of this guidance at college level, and its inclusion in the inspection tool kit of the FEFC, will ensure that the FE service continues in its tradition of widening participation and opportunity.

I am delighted to commend this publication to all in the FE sector.

Sir Herman Ouseley

Chairman

Commission for Racial Equality

Summary

1 Introduction

Explains the rationale for updating the original publication *FE and Equality: A Manager's Manual*, and outlines the key reports, developments and influences that have been taken into account

2 How to use this manual

Suggests some guiding principles for colleges wishing to make the best use of this manual, and clarifies two of the key concepts – targeted/under-represented groups and indicative sources of evidence

3 The quality case for equality

Summarises the main arguments for equality of opportunity in further education provision and the benefits to colleges

4 What an equal opportunities policy should cover

Offers guidance on what an equal opportunities policy should include

5 Strategic and operational planning and the measurement of achievement

Suggests how equality targets can be identified, measured and benchmarked and embedded into strategic and operational planning. Includes an illustrative case study

6 The self-assessment process

Describes the self-assessment process and explains how the pro forma provided on the disk that accompanies this manual can be used or adapted to meet colleges' self-assessment needs

7 Sector standards, key questions and sources of indicative evidence

This is the central section of the manual. In line with the inspection guidelines in *Validating Self-assessment* (97/12), *Self-Assessment and Inspection* (97/13) and the FEFCW's bulletin B97/09 and the *Quality Assessment Handbook (QAH)*, it provides a basic self-assessment framework for the development, implementation and review of equal opportunities. Examples of the sources of indicative evidence most likely to demonstrate that colleges have integrated equality assurance into their quality assurance procedures are also listed.

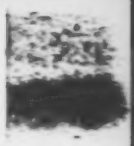
The section includes:

sector expectations, outlining the relevant requirements from the Charter for Education (CfE) and the FEFC circular *Validating Self-assessment* (97/12), and referring to the Quality Statements in the Welsh *Quality Assessment Handbook*

a list of relevant **key questions**, for consideration by those responsible for implementing the area of the college's equal opportunities policy under discussion

sources of indicative evidence showing where evidence in support of the college's equal opportunities self-assessment might be found

case studies from within the FE sector to help to stimulate ideas and encourage the dissemination of good practice.



8 Legal framework

This section summarises the existing laws against discrimination and suggests other non-legislative equalities issues that should be taken into consideration in the development and implementation of equal opportunities policy. It includes some examples of relevant case law

Appendix one

Gives practical guidance on how to deal with racial, sexual and other forms of harassment and some relevant case law

Appendix two

Lists some useful addresses and publications for those wishing to follow up issues or update information supplied in the manual

Appendix three: self-assessment pro forma

Self-assessment pro forma (on floppy disk only), incorporating equality statements against which effectiveness can be measured and a suggested format for a self-assessment report. These are for use by course teams and other staff who are actively involved in equal opportunities self-assessment.

1 Introduction

This manual is a revised, updated and expanded version of *Further Education and Equality: A Manager's Manual* (CRE, 1995). It is a response to the requirements for colleges set out in the Further Education Funding Council circulars: *Validating Self-assessment* (97/12), *Self-Assessment and Inspection* (97/13) and *College Strategic Planning* (96/14 & 98/08). Relevant requirements from the DfEE's revised and updated *Charter for Further Education* are also noted.

While the manual is based on the English inspection framework set out in FEFC(E) circulars 97/12 and 97/13, it has equal applicability for FE sector institutions in Wales. The Welsh framework for quality assessment is set out in FEFCW bulletin B97/09 (*Future arrangements for quality assessment in the FE sector in Wales*) and the recently published *Quality Assessment Handbook* (QAH). The approach to self-assessment, including the use of quality statements and indicative sources of evidence is similar to that of the FEFC(E). References to the Welsh framework are made from time to time within the manual. The term 'colleges' is used generically to include Welsh FE institutions.

FEFCW bulletins B96/05 and B97/03 and B98/06 provide guidance on institutional planning for FE sector institutions in Wales. The Welsh Office has produced a charter for further education similar to the DfEE charter.

Arrangements for inspection in further education in Scotland differ from those in England and Wales. FEDA's remit does not cover Scotland; although this publication is not tailored to the Scottish system, it should provide colleges facing issues with a stimulus for action within the Scottish quality framework.

Since the publication of *Further Education and Equality: A Manager's Manual* in 1995, there have been a number of significant developments within the field of equal opportunities that have implications for all colleges.

The Disability Discrimination Act (1995) now makes acts of discrimination against employees on the grounds of disability illegal, in line with the existing legislation covering race and gender discrimination. European Human Rights legislation has also reinforced the right of individuals not to be harassed or discriminated against in employment or the provision of services.

Reports by two highly influential independent committees, established by the Further Education Funding Council and chaired by Professor John Tomlinson and Baroness Helena Kennedy QC, have led to the publication of *Inclusive Learning* (FEFC, Sept 1996) and *Learning Works* (FEFC, July 1997). Both reports reinforce the need for colleges to address equalities issues, including those not covered formally by existing legislation, and to be more responsive to the needs of under-represented groups.

The DfEE's strategic framework *Learning and Working Together for the Future* (September 1997) and the green paper on Lifelong Learning *The Learning Age: A Renaissance for a New Britain* (February 1998) have emphasised this government's commitment to combating discrimination by promoting access to lifelong learning. Among the key challenges is the need to tackle deprivation and social exclusion and to ensure that the labour market is fair to individuals. The government acknowledges the role that discrimination on the grounds of race, sex or disability can play in limiting access to education, training and employment, and has made the promotion of equality of opportunity one of its key objectives.

This manual also takes account of the views of colleges using *Further Education and Equality: A Manager's Manual* in their own institutions. The questions, case studies and examples of sources of indicative evidence in this new manual should serve as a 'tool in the EO kit bag', helping staff to plan and embed equality of opportunity into the very core of their activities.

Although colleges will use this manual in a variety of contexts, all will benefit from considering the key questions systematically within a framework shared by all FEFC-funded institutions: successful pursuit of equality of opportunity will enhance the performance of the college as a whole. Ultimately, it is the quality of the answers provided and the evidence produced to support them that will determine how successfully colleges are able to demonstrate their commitment in this area. The following considerations should guide all colleges:

Equality of opportunity should be built into a college's mission statements, its strategic, operational and development plans, and its charter.

- Equality of opportunity should be monitored thoroughly and systematically, so that achievements can be identified, and shortfalls remedied.
- Equal opportunity initiatives should be led by governors and senior management with imagination and commitment, and given the highest profile.
- The views of students, staff and external customers, who are the intended beneficiaries of equal opportunity policies and practices, should be of paramount consideration.

2 How to use this manual

Individual colleges will need to develop their own approaches to equal opportunities policy development and implementation to reflect their current stage of development. This manual should therefore be regarded as a tool kit, rather than a definitive guide. The following broad principles should, however, guide staff in their use of the manual:

- The equal opportunities process is a continuum – **judge where your college is now and move on from there.** For example, some colleges or programme areas may need to use the manual to help develop an equality assurance plan because they have nothing in place yet – others may have mainstreamed equal opportunities and feel confident enough to integrate equality targets into their existing quality assurance process.
- The pursuit of equal opportunities never stops – the issues and the needs of students will change and develop. Colleges should therefore use the manual to **engage in a continuous process of EO review that takes full account of the views of students, staff and the wider community.**
- If managers, governors, teachers and support staff are to be effective in their self-assessment roles, committed to the equality assurance process and confident in their ability to implement EO policy, **the good practice highlighted in this manual should be supported by staff induction and development opportunities.**
- **Equality assurance should be part of a whole-college process of quality assurance.** The key questions course teams, support staff, managers and governors are invited to consider, may already be ones that they are used to addressing but others may be new considerations . They will need to be incorporated into existing self-assessment criteria.
- The key questions and sources of indicative evidence listed in Section 7 are not prescriptive and colleges are encouraged to identify others. Governors, managers, course leaders and their teams, student services and support **staff should be encouraged to select the key questions and sources of indicative evidence that are most relevant and to develop their own,** based on self-reflection, staff/ student feedback and an understanding of their particular working context.

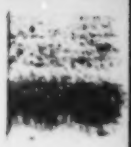
Sources of indicative evidence

It is impossible to reflect the diversity of qualitative and quantitative evidence that can be produced to support the self-assessment process. The lists of sources of indicative evidence provided in this manual are merely suggestions, and staff should be encouraged to identify alternative or additional sources of evidence that reflect their own good practice. The key questions listed in Section 7 will give a clear indication of the kind of evidence that is likely to be appropriate, and will be characterised by one or more of the following:

sensitivity to the needs and views of students from targeted/ under-represented groups
awareness of equal opportunities considerations such as access, inclusivity and flexibility
a high degree of student/ client satisfaction with the area of provision under review
quantitative and/or qualitative evidence in support of the above.

For example:

mission statements, college charters and policy statements in which the college's commitment to promoting equal opportunities, eliminating discrimination and serving the needs of all sections of the community is a prominent feature



- **strategic and operational plans** incorporating the college's equal opportunities objectives and targets which endeavour to widen participation
- **student, staff, employer and/or community views, surveys and records of focus group discussions** in which satisfaction is expressed with the college's equal opportunities strategy and/or the planning and delivery of the area of provision being assessed
- **course units, modules, syllabuses and other documentation** demonstrating flexibility and appropriate responses to a diverse range of student needs
- **schemes, records of work, lesson plans and work experience arrangements** showing how course teams have taken account of the learning needs of students from targeted/ under-represented groups through a variety of teaching methods and approaches
- **student handbooks, course handouts and other literature** showing college policies and procedures, course aims and objectives written in clear, accessible, jargon-free language or, where appropriate, in the relevant community language(s)
- **records of students' progress** monitored according to relevant criteria and showing consistent attendance, improvement, retention, achievement and progression by all targeted/ under-represented groups
- **students' written, oral and practical work** drawing from a range of social/ cultural contexts and life experiences
- **teachers' records of course work** showing use of different teaching methods, responsiveness to students' individual learning needs, promotion of cross-cultural communication and co-operative working and appropriate use of available learning support
- **lesson observation and tutorial arrangements** confirming that students' needs are addressed or that students' interest is consistently sustained
- **moderators' and verifiers' views and written reports**, expressing satisfaction with the variety of teaching/ assessment methods and their relevance and appropriateness to students from targeted/ under-represented groups
- **information on awards**, including prizes, grants, scholarships, projects, performances, exhibitions, sporting achievements which promote and encourage achievement by students from targeted/ under-represented groups
- **other relevant documentation**, including health and safety instructions, risk assessments, accommodation and equipment audits, reports and reviews that demonstrate awareness and sensitivity to the needs of students from targeted/ under-represented groups such as those with disabilities/ learning difficulties.

Targeted/under-represented groups

The term 'targeted/ under-represented groups' is used throughout the text and in key questions to refer to some or all of the following:

- people who are unemployed or who have been out of the labour market because of domestic, childcare or other caring responsibilities
- people in low-income groups
- black/ ethnic minority groups, including:
  - refugees and asylum-seekers
  - students whose first language is not English
  - overseas students
- targeted groups of women, such as:
  - women from black/ ethnic minority communities
  - women in low-income groups
  - women who are lone parents
  - women who wish to train for jobs not usually associated with their gender

- targeted groups of men, including:
  - certain groups of white men
  - men from black/ ethnic minority communities
  - men in low-income groups
  - men who wish to train for jobs not usually associated with their gender
- people with learning difficulties and/ or disabilities, including:
  - adults with mental illness
  - adults with sensory and/or mobility impairment
- people without formal qualifications
- mature students (50+)
- young people with emotional and behavioural difficulties
- people with literacy and/or numeracy needs
- ex-offenders
- travellers
- part-time and temporary workers
- unskilled manual workers.

The term includes both potential and current students, and assumes that colleges will prioritise different needs, according to their particular context, location and strategic priorities.

Note

Equal opportunities and the acronym EO will both be used in the text depending on context, i.e. length of sentence, etc.

3 The quality case for equality

Providing equality of opportunity enables further education colleges to ensure they provide good quality services for everyone.

Enhancing customer satisfaction

A high standard of educational service that meets the needs of all sections of the local community will increase the satisfaction of students as well as enhancing the reputation of the college. A good equal opportunities policy will help to ensure that the college meets the diverse learning needs of students from all targeted/ under-represented groups.

Strengthening community roots

Close and full involvement in the college of women and men from all targeted/ under-represented groups will help strengthen and deepen its roots in the local community. Community consultation and outreach provision also help to affirm the college's commitment to meeting local needs.

Meeting students' needs

Further education colleges that understand how to widen participation and promote inclusive learning by meeting the needs of students from all ethnic groups, both sexes, and those with a range of additional support needs will be more successful in recruiting and retaining students.

Becoming an employer of choice

Human talent is a valuable, competitive resource and further education colleges need to develop the reputation and practice that will attract the very best job applicants from all backgrounds.

Enhancing partnerships

A further education college that is respected by all in the community will attract partnerships from a variety of agencies, such as local authorities, Training and Enterprise Councils (TECs) and private sector employers as well as voluntary organisations and community groups representing targeted/under-represented groups'.

Avoiding the costs of discrimination

Racial and sexual discrimination is expensive. It costs money, undermines staff morale and reputation, and makes the college unattractive to students. Industrial tribunals are no longer constrained by limits on the compensation they can award victims of discrimination. Adverse publicity from such cases and/or from a CRE or EOC formal investigation of alleged discrimination by the college may prove an additional, expensive liability.

Meeting external funders' requirements

The FEFC and most other funding bodies require colleges to demonstrate their commitment to equal opportunities and responsiveness to the needs of under-represented groups in their local communities. A good equal opportunities policy and implementation strategy will ensure the college meets these criteria and funding applications are positively received.

4 What an equal opportunities policy should cover

Colleges which embrace equal opportunities will be able to show:

- commitment
- ownership
- action (internal and external)
- outcomes
- periodic review of the policy's effectiveness.

A statement that the college is committed to equal opportunities will be meaningless unless supported by a clear and explicit equal opportunities policy and implementation plan. The basic characteristics of a good equal opportunities policy are:

Commitment

Colleges should be able to demonstrate that they have the following:

- a written equal opportunities policy that is clearly linked to the college's mission statement, its strategic plan and charter, and informed by the Race Relations, Sex and Disability Discrimination Acts
- a sub-committee of governors and a staff or student/staff committee with overall responsibility for equal opportunities
- a senior member of staff with overall management responsibility for implementing the equal opportunities policy
- an action or implementation plan covering:
  - the role of senior management
  - responsibilities and resources
  - desired outcomes and targets
  - timetables and timescales for action
  - methods for monitoring and measuring progress
  - methods of consultation with the community, students and staff.

Ownership

Colleges should be able to demonstrate that their policy is 'owned' by staff and students and given a high public profile by means of:

regular communication and publicity to ensure awareness of the policy and action plan among:

- students
- staff
- people applying to be students or staff
- suppliers of goods and services
- recognised consultative forums
- the public

frequent opportunities for students, staff, external clients and others working in partnership with the college to discuss, evaluate, review and influence the policy

staff induction and development opportunities to promote ownership and awareness and enhance or embed good practice.

Internal action

Colleges should be able to show that:

data on ethnicity, gender, age, disability and other relevant information is collected and used to review:

- applications
- admissions
- student distribution by course
- student achievement levels
- student retention rates

all governors and staff are trained in the effective implementation of the policy, including:

- managers
- administrative and reception staff
- teachers (both full- and part-time)
- counsellors
- support staff

- data is monitored to ensure that the staff profile and career progression for staff within the college demonstrate equality of opportunity for all
- targets are set to improve the college's performance, drawing on its data on existing participation and achievement by targeted/ under-represented groups and on local census, employment and other relevant data. Achievement against these targets is then measured (see Section 5). Further advice on target-setting is given in the CRE's *A Measure of Equality* (1991), and the EOC's *Monitoring, Positive Action, Targeting* (1995).

External action

Colleges should be able to show that:

- ethnic minority, disability and women's organisations, and those representing other targeted/under-represented groups in the community, are consulted regularly
- employers' work placements and work experience are monitored for equal opportunities practice
- the college projects and promotes itself in the community as an equal opportunity employer and service provider
- advice on equal opportunities is sought, when appropriate, from relevant outside agencies, such as local race equality councils, the CRE, the EOC, Skill, The Unemployment Unit, the Refugee Council, MIND, Age Concern and the FEFC
- information and marketing material is provided in community languages, where appropriate, and key information like the disability statement and students' charter is available in different formats – for example, on audio tape and in braille.

Outcomes

Monitoring for ethnic, gender, age or other disparities should allow the college to evaluate its progress. Good equal opportunities practice should result in evidence of:

- fair representation of people from targeted/ under-represented groups at all levels of the curriculum and staffing
- participation by a wider group of learners, including those with disabilities and/or learning difficulties in all programme areas
- consistently high levels of student retention and achievement

- an enhanced reputation in the local community
- increasing levels of customer satisfaction
- favourable publicity from the media
- a wider range of employers offering work experience and work placements
- fewer grievances and complaints.

Meeting funding body requirements

Colleges need to be able to demonstrate they are:

- committed to equal opportunities
- meeting the needs of targeted/under-represented groups in their local communities
- able to meet funding body criteria relating to provision for targeted/ under-represented groups.

5 Strategic and operational planning and the measurement of achievement

Equality of opportunity embraces the widening participation and inclusive learning agendas identified in *Inclusive Learning* and *Learning Works*.

Each college should decide whether it wishes to have separate objectives and targets for equal opportunities.

If colleges are to implement equality of opportunity and translate their equal opportunities policies into practice, they need to plan for this at strategic and operational levels and then measure their achievements as part of the self-assessment process.

In order to achieve equality of opportunity, colleges need to:

- secure the full commitment of governors and senior staff
- carry out a needs analysis which begins with the creation of a college and community profile
- consult widely within the college and its community
- set objectives and targets
- measure achievements
- assess these achievements against appropriate benchmarks
- integrate this assessment into strategic planning.

Securing the commitment of governors and senior managers

Many colleges recognise the importance of providing training for all governors and senior managers. This can create a shared sense of purpose and a deeper level of self-awareness. Both are essential if equality of opportunity for students and staff is to be achieved.

Needs analysis

The Government is now encouraging the development of local strategic partnerships and collaborative planning in order to secure the widening of participation and equality of opportunity. Within this context the college's needs analysis should include the creation of a college profile and community profile which show how the student body reflects the local community. This will help them to identify areas for development and specific targets. The FEFC's guide *Identifying and Assessing Needs* (1997) will assist colleges undertaking needs analysis.

Consultation

Widespread consultation underpins equality of opportunity. Colleges may wish to consult:

their staff

their students

representatives of a wide range of groups within their community.

The difficulties of effective consultation should be recognised to avoid token consultation. Consultation should begin at an early stage in the planning processes, as the responses will inform the college's needs analysis.

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Setting objectives and targets

Governors and senior managers will wish to set clear objectives for equality of opportunity. Targets can then be set at appropriate levels which may include:

- strategic level
- programme area level
- departmental level
- team level
- individual level.

Targets provide a focus for action and a benchmark for progress. They should be realistic and achievable and be based upon college and community profiles and subsequent consultation activities. Success in meeting targets is more likely if a small number of targets is set each year, accompanied by appropriate staff development to increase motivation and allay anxieties.

Targets to help individual colleges and groups of providers to achieve equality of opportunity might include for example:*

- a specified increase in enrolments by women students on courses traditionally designed to recruit men
- a specified increase in the proportion of ethnic minority students who achieve their intended qualifications
- a specified increase in the proportion of students with disabilities who progress to other college courses or to employment
- a specified increase in the level of satisfaction expressed by targeted groups with aspects of the college's services.

Measuring achievement

Progress towards equality targets will need to be measured. Colleges should decide what data needs to be collected and integrate it into the existing management information data collection and quality assurance procedures. For example, by adding a number of specific questions to standard student questionnaires, it is relatively easy to measure the satisfaction of particular groups of students and compare these figures to those of other groups or of previous years.

Some institutions, such as the University of Central England, actively include their student community in identifying key issues of concern and designing student questionnaires.

Equality performance indicators

Performance indicators provide a measure of progress and so contribute towards self-assessment and continuous quality improvement. They provide one source of evidence to help colleges, or sections of colleges, to make judgements about the quality of provision and what needs improving. Comparisons can then be made:

- year on year
- between different parts of the institution
- with other institutions
- with national norms.

* The targets and performance indicators given here are examples only. Clearly there could be many others, depending on the college's context and priorities.

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Performance indicators are valuable tools. However, no single performance indicator can provide the basis for a definitive judgement. Groups of performance indicators may, therefore, need to be established or further evidence identified to support a single performance indicator. Performance indicators do not provide solutions to problems, but they do serve as a useful starting point for further investigation and analysis and subsequent target setting.

Colleges will find it helpful to measure their progress and record performance indicators in a wide range of areas. They may include:

- participation rates for people from targeted/ under-represented groups in selected programme areas
- drop-out rates for all targeted/ under-represented groups
- the range and diversity of equal opportunities employers providing work experience placements to students from all targeted/under-represented groups over a defined period
- levels of absenteeism, including absenteeism among women, ethnic minorities and other targeted/ under-represented groups
- the number of grievances and complaints by people from targeted/ under-represented groups
- the proportion of male, female, ethnic minority and disabled staff at each level of the organisation.

The key questions and sources of indicative evidence in section 7 of the manual provide further examples.

Colleges can use a variety of internal, local and national benchmarks when evaluating progress towards achieving equality of opportunity.

Internal benchmarks may include performance indicators for previous years; for similar types of programme; for other student populations within the college, and so forth.

External local benchmarks may include local labour market information (LMI) and the performance of neighbouring institutions which provide similar learning opportunities.

National benchmarks may include achievement data from the *Inspectors' Statistical Handbook* (produced by the FEFC); statistics included in *Widening Participation in Further Education: Statistical Guidance* (FEFC 1997) and other FEFC publications; value-added data provided by national organisations such as the A-level Information Service (ALIS).

The judgements made in a college (or department) self-assessment report lead, in turn, to renewed setting of equality objectives and targets, and so the planning and measurement cycle continues (see figure 1, below).

The cycle of quality assurance

Figure 1: The cycle of quality assurance

strategic plan
mission
quality policy
deciding what quality means (agreed features, standards and improvement targets)
detailed action planning and implementation with targets for improvement
developing coherent QA systems (monitoring actual performance against standards)
operational planning (planning what the college wants to achieve)
self-assessing (making judgements on the basis of the evidence)
writing self-assessment report(s), summarising the analysis, evaluation and priorities for action

Setting targets and measuring progress – an example

A college is concerned about the participation, retention and achievement rates of black Caribbean men aged 19 and over in its provision. Management information shows that only 15% of its male students of this age identify themselves as being of black Caribbean origin, compared to 30% in the local population. Retention of these students is 60% annually, and only about 35% of those completing are achieving their desired qualifications. Both male and female students in this age group from other ethnic groups are doing better in the college.

The college has compared participation, retention and achievement rates for black Caribbean men aged 19 and over with the following benchmarks:

- the proportion of black Caribbean men aged 19 and over in the local population (*participation*), using local labour market information from the TEC
- national in-year retention rates by mode, sex and ethnic group (*retention*), using data from *How to Widen Participation: A Guide to Good Practice*
- national achievement rates by mode and by ethnic group (*achievement*) using data from *How to Widen Participation: A Guide to Good Practice*
- inspectorate statistical data on pass rates from the *Inspectors' Statistical Handbook* and inspectorate survey reports on particular curriculum areas (*achievement*).

The college develops an equal opportunities objective:

- to increase the number of black Caribbean men aged 19-25 enrolling on and successfully completing level 2 vocational programmes.

They set a target to increase the proportion of students from this group on level 2 vocational courses from 15% to 30% within two years, in line with the local population; to improve retention from 60% to 86% and pass rates from 35% to 48%, in line with national benchmarks.

Their performance indicators will therefore be the proportion of black Caribbean men aged 19-25 on level 2 vocational programmes; the retention and achievement rates for this group of students on level 2 programmes.

This work would help them to meet their quality standard:

Among client groups being targeted and recruited, both sexes, all ethnic groups, all age groups and a range of other targeted / under-represented groups from within the local community are fairly represented and achieve success in their studies.

The evidence for the college's self-assessment report that the equal opportunities objective had been achieved would be provided by the performance indicators.

6 The self-assessment process

The FEFC's framework for self-assessment (*Validating Self-Assessment*, 97/12 and *Self-Assessment and Inspection*, 97/13) and the FEFCW's bulletin 97/09 and *Quality Assessment Handbook* highlight the following principles:

- the prime responsibility for quality rests with colleges
- self-assessment provides the impetus for quality improvement and is most effective when it is structured, rigorous and continuous
- both self-assessment and external inspection should focus on the same criteria, at the forefront of which are students' achievements and the quality of teaching and learning.

They also suggest that self-assessment should:

- be integral to strategic and operational planning and other quality assurance arrangements
- involve consultation with external groups, governors, staff and students
- be overseen by a college self-assessment review group which might include external members.

Self-assessment for equal opportunities will only be effective if it leads to actions that improve the overall quality of college services and provision. This publication seeks to encourage colleges to approach the assessment of their equal opportunities performance with the same rigour as they apply to all other areas of college provision.

A tabular format has been designed to assist colleges with the first stage of self assessment: the completion of an audit to determine current strengths and weaknesses against statements of good practice. Once the audit has been completed, it will be possible to make judgements about key strengths, weaknesses and necessary actions at appropriate levels within the college.

Appendix 3 shows how to use the self-assessment for equal opportunities pro forma which is attached on the disk.

The pro forma corresponds to the FEFC sector expectations listed in Chapter 7, and is laid out as follows:

Equality statements	✔	Sources of indicative evidence	x	Action required by	Grade 1-5
The college's mission statement, strategic plan and charter reflect its commitment to eliminating discrimination, widening participation promoting equality of access and outcomes, and serving the needs of all sections of the local community		Mission statement/charter Policy statements Strategic and operational plans Surveys of the views of students, staff, employers and members of the local community			

Colleges are encouraged to check the appropriateness of questions in section 7, to add their own and to decide which groups of staff should take responsibility for particular sections. Staff may need assistance in selecting evidence, deciding on appropriate benchmarks and evaluating their strengths and weaknesses. Appendix 3 gives further guidance on using the prompt questions in section 7 to audit and report on college equal opportunities practice, and target areas for action.

7 Sector standards, key questions and sources of indicative evidence

Summary of sector expectations

This is based on FEFC(E)'s framework for self-assessment (*Validating self-assessment*, circular 97/12) and equivalent quality statements in FEFCW's *Quality Assessment Handbook*.

1 The college and its mission

- The college has a clear mission, is responsive to the needs of its local community, seeks to widen participation in further education and promotes equal opportunities [FEFC, 1a]

2 Teaching and learning

- Teaching and learning are planned effectively to meet the needs of all students, achieve standards set by awarding bodies and cover syllabuses [FEFC, 2a]
- The aims and objectives of lessons and other learning experiences are clear to students [FEFC, 2b]
- Teaching sustains students' interest and extends their skills, knowledge and understanding [FEFC, 2c]
- Teachers use appropriate methods to meet students' individual learning needs and promote productive working relations [FEFC, 2d]
- Teachers give appropriate attention to equal opportunities and the exploration of cultural, moral and social issues [FEFC, 2e]
- Within their courses, students have the opportunity to experience and value different methods of learning [FEFC, 2f]
- Experience of work, where appropriate, makes an effective contribution to students' learning [FEFC, 2g]
- Core/key skills, where appropriate, are developed, assessed and accredited [FEFC, 2h]
- Students attend regularly, are punctual, attentive and organise their own learning effectively [FEFC, 2i]
- Students carry out practical work competently and safely [FEFC, 2j]
- Forms of assessment and opportunities for accreditation are appropriate [FEFC, 2k]
- Students understand the purpose of assessments and what is expected of them [FEFC, 2l]
- Assessment is fair, is carried out regularly and used to inform students how they are doing and how they might improve [FEFC, 2m]
- Parents/ employers and others are appropriately informed of students' progress [FEFC, 2n]

(FEFCW QAH Element 1: Teaching and Learning Element 2: Standards of Achievement, Attainment and Student Motivation and Element 3: Planning: Nature, Scope and Design of the Curriculum)

3 Students' achievements

The college sets suitable targets for the performance of individuals and groups [FEFC, 3a]

Students' work is of an appropriate standard and where appropriate, demonstrates vocational competence [FEFC, 3b]

Students perform well in examinations and/or other types of formal assessment [FEFC, 3c]

Targets for student retention/ completion are set and met [FEFC, 3d]

Students' other achievements are recognised and valued [FEFC, 3e]

Students attain their primary goals in terms of progression, for example, to other further education courses, higher education or employment [FEFC, 3f]

(FEFCW QAH Element 2: Standards of Achievement, Attainment and Student Motivation)

4 Curriculum content, organisation and management

The curriculum enables students to achieve nationally-approved standards for education and training [FEFC, 4a]

Within the context of the college's mission, the curriculum meets the needs of all students, of employers and of other customers [FEFC, 4b]

The curriculum is managed efficiently and effectively, and provides continuity and progression for all students [FEFC, 4c]

Students have the opportunity to participate in extra-curricular activities [FEFC, 4d]

- Colleges fulfil legal requirements in respect of religious worship and education [FEFC, 4e]
- There are clear links between strategic planning and the development and management of the curriculum [FEFC, 4f]
- Off-site learning, franchised provision and distance learning are managed effectively [FEFC, 4g]

(FEFCW QAH Element 3: Planning: Nature, Scope and Design of the Curriculum)

5 Support for students

- Impartial guidance before and on entry to the college helps students to choose the course which is right for them [FEFC, 5a]
- Induction programmes enable students to settle into work quickly and understand the opportunities open to them, their rights and their responsibilities [FEFC, 5b]
- Students receive effective learning support to meet their individual learning needs throughout their studies [FEFC, 5c]
- Students receive appropriate guidance on the opportunities available to them when they have completed their studies [FEFC, 5d]
- Students have access to relevant support on personal issues [FEFC, 5e]

(FEFCW QAH Element 4: Support for Learning)

6.1 Resources: staffing and specialist provision

- Teachers have appropriate qualifications and up-to-date knowledge [FEFC, 6a]
- Technical and administrative staff are appropriately qualified and effectively deployed to support teachers and students [FEFC, 6b]
- Staff evaluate their own performance and are provided with suitable opportunities for professional development [FEFC, 6c]
- There is appropriate specialist equipment and other resources to support teaching and learning [FEFC, 6d]
- Specialist classrooms, laboratories and teaching areas are safely equipped [FEFC, 6e]
- Students have suitable access to learning resources and materials to assist their learning [FEFC, 6f]
- Students have suitable access to appropriate information technology resources [FEFC, 6g]
- Specialist accommodation provides an appropriate setting for teaching and learning [FEFC, 6h]

(FEFCW QAH Element 5: Appropriateness, Management and Use of Resources)

6.2 Resources: Cross-college/ general provision

- General accommodation is suitable, is used effectively and is well maintained [FEFC, 6i]
- General facilities to support learning, including libraries and learning resource centres, are of an appropriate quality and readily accessible to students [FEFC, 6j]

- Common areas, including refectories and common rooms, meet the needs of students [FEFC, 6k]
- Students have access to recreational and sports facilities, where appropriate [FEFC, 6l]
- The college caters effectively for students from particular groups, including those with physical disabilities [FEFC, 6m]
- Teaching and support staff have appropriate work areas and access to facilities to help them in their work [FEFC, 6n]

(FEFCW QAH Element 5: Appropriateness, Management and Use of Resources)

7 Quality assurance

- The college sets high standards and has arrangements for quality assurance which lead to measurable gains in performance [FEFC, 7a]
- Quality assurance arrangements are understood and supported by staff and governors, and meet the requirements of examining, awarding and accrediting bodies and the *Charter for Further Education* [FEFC, 7b]
- The college is committed to continuous improvement [FEFC, 7c]
- Quality assurance procedures cover every aspect of the college's work, are rigorously applied and are continually reviewed [FEFC, 7d]
- Performance indicators are clearly identified, effectively used and help to ensure that money is well spent [FEFC, 7e]
- The college's reporting arrangements include regular and rigorous self-assessment of its performance which identifies strengths and weaknesses, informs strategic planning and leads to continuous improvement [FEFC, 7f]
- The college's own charter is readily available and clearly identifies the standards of service which students and other customers can expect [FEFC, 7g]
- Responsibilities for quality assurance arrangements arising out of links with other colleges, including franchise arrangements and other forms of contracted provision, are clearly allocated, understood and met [FEFC, 7h]
- Staff appraisal and professional development are integral to quality assurance [FEFC, 7i]

(FEFC QAH Element 6: Management of Quality)

8 Management

- Effective management enables the college to achieve its targets, to meet its other criteria for success, and to keep teaching and learning under constant review [FEFC, 8a]
- The college's values and its aims, objectives, targets and criteria for success, as embodied in strategic and operating plans, are understood and supported by staff [FEFC, 8b]
- The college's management structure and its lines of communication and accountability are effective; staff understand their roles in the context of how the college is managed [FEFC, 8c]
- Staff and other resources are effectively and efficiently deployed [FEFC, 8d]
- There is appropriate and effective liaison with external bodies involved in education and training; for example, training and enterprise councils, local education authorities, careers education and guidance services, schools and other organisations within the local community [FEFC, 8e]
- The college's strategic development is informed by effective market research [FEFC, 8f]
- Information needs of management are identified and management information is effectively used at all levels [FEFC, 8g]
- Equality of opportunity is promoted and effectively managed [FEFC, 8h]

9 Governance

- Governors effectively oversee the college's strategic direction, regularly monitor the college's and their own performance, and secure the appointment, appraisal and development of senior staff [FEFC, 9a]

The college and its mission

Mission statement/charter/ policy statements

Strategic and operational plans

Surveys of the views of students, staff, employers and members of the local community

Extract from FEFC inspection report

Equality of opportunity is a high priority for the college and the implementation of the policy is exemplary. Displays in corridors and classrooms give positive messages. They include references to appropriate role models, some of whom are the college's own students. The college monitors both student and staff data for all associated issues and has set itself challenging targets in this area. There are many EO initiatives in the college; their success is indicated by the fact that many courses do not reflect typical patterns of enrolment. Beauty courses, for example, contain male students and students from a variety of ethnic backgrounds. There is a higher proportion of female students than is usual on computing courses at all levels. Students on ESOL courses come from many countries and cultures, but they are well integrated with other students in the life of the college. Information on courses and students' rights is available in many of the languages used in the local community.

The college has a clear mission, is responsive to the needs of its local community, seeks to widen participation in further education and promotes equal opportunities

[FEFC, 1a]

You have the right to expect colleges to explain what they are doing to foster equal opportunities. This should include the progress they have made in encouraging under-represented or other disadvantaged groups in the local community to take advantage of what they have to offer

[CFE, p.19]

Key questions

- How do the college's mission statement, strategic plan and charter reflect its commitment to eliminating discrimination, promoting equality of access and outcomes, and serving the needs of all sections of the local community?
- Does the college have a 'live' equal opportunities policy that is understood and actively supported by both staff and students?
- What steps are being taken to widen participation in response to the recommendations set out in *Learning Works* (the report of the Widening Participation Committee)?
- What steps are being taken to consult students, staff and the wider community in determining the college mission?

Please add any other questions which are appropriate to your college/institution.

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2 Teaching and learning

Teaching and learning are planned effectively to meet the needs of all students, achieve standards set by awarding bodies and cover syllabuses

[FEFC, 2a]

The aims and objectives of lessons and other learning experiences are clear to students

[FEFC, 2b]

Teaching sustains students' interest and extends their skills, knowledge and understanding

[FEFC, 2c]

Teachers use appropriate methods to meet students' individual learning needs and promote productive working relations

[FEFC, 2d]

Within their courses, students have the opportunity to experience and value different methods of learning

[FEFC, 2f]

You have the right to expect high quality teaching and effective management of your learning

[CFE, p. 15]

College's own charters will explain how they intend to make sure that...individual course units produce a sound and logical course of study when put together

[CFE, p.15]

See also FEFCW Quality Assessment Handbook Element 1: Quality statements 1 to 11 and Element 3: Quality Statements 10 to 14

Key questions

- Does the college ensure that courses for targeted/under-represented groups are accredited and meet national standards?
- Do schemes of work and other course documents address the different learning needs of targeted/under-represented groups?
- Is teaching planned to develop confidence and build on students' prior experience?
- Are teaching and resources planned and developed to take into account students' different characteristics, such as those relating to culture, religion, gender, disability, age and social class, and build on these in a positive way?
- Are course induction methods and handouts appropriate to the needs of all students?

Syllabuses, units/modules which demonstrate flexible course design

Schemes of work showing course content and teaching strategies

Records of initial assessment

Course documentation showing the students' identified learning styles and needs

Lesson plans

Records of lesson observations

Induction programme and handouts

Students' handbook/diary

Records of students' progress

Staff development programmes for teaching staff

Data from student surveys or other forms of course review by students showing satisfaction with different aspects of teaching

Diploma in person-centred counselling – transcultural module objectives

In term two, we teach a transcultural module emphasising working with difference within the person-centred approach. We think awareness of the students' own cultural, sexual, class and race identities is an important starting point. We also stress that training should acknowledge and work with the differences rather than ignore or avoid them. There is outside input by specialist speakers on race and sexual orientation and sessions on gender and disability. We wish trainees to be aware of oppressive practices and the effect they have on early conditioning, perceptions of worth and the self-concept.

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Curriculum audit

Following an audit of curriculum materials and assignments to ensure these reflected a multicultural society, recommendations were made and examples of good practice promoted in staff development.

A poster was designed by the marketing section for display in staff rooms and above photocopiers around the college. It said:

Tutors: Check your resources!!

Have you checked the contents of your favourite resources for equal opportunities issues?

Do you think that all your resources

promote equality of opportunity

celebrate cultural diversity

present positive role models

challenge stereotypes

educate people and work in a multicultural society?

If you answered no to one of these, what are you going to do? Please remember that a minor change to your materials could make a major change to the way a student responds to the course.

- Are students' individual learning styles and needs identified at the start of the course, and communicated to subject teachers?
- What training do teachers receive to encourage their use of a variety of teaching methods and learning strategies that will meet the full range of students' learning needs and bring out the best in all students?
- Are teaching methods and course expectations discussed with students?
- Does the teaching sustain all students' interest and build knowledge and skills at a suitable pace for individuals?
- Are students given the opportunity to try different methods of learning?
- Is encouragement given to students whose first language is not English to communicate in their home language, where appropriate?
- Are course materials and handouts free from jargon and presented in a clear, accessible language and format?
- Is the learning environment free from racial, sexual and other prejudices, discrimination and harassment?
- Are students with speech, hearing, or sight impairments encouraged and enabled to participate fully in learning activities?
- Do staff promote equality, cross-cultural interaction, cooperative working practices and respect for differences among students?

Please add any other questions which are appropriate to your college/institution.

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Teachers give appropriate attention to equal opportunities and the exploration of cultural, moral and social issues

[FEFC, 2e]

Experience of work, where appropriate, makes an effective contribution to students' learning

[FEFC, 2g]

Core/key skills, where appropriate, are developed, assessed and accredited

[FEFC, 2h]

Forms of assessment and opportunities for accreditation are appropriate

[FEFC, 2k]

Students understand the purpose of assessments and what is expected of them

[FEFC, 2l]

Assessment is fair, is carried out regularly and used to inform students how they are doing and how they might improve

[FEFC, 2m]

College's own charters will explain how they intend to make sure that ... work placements are suitable for the course and qualification, well prepared and available at the right time, and provide the necessary assessment opportunities and other feedback to you and your tutors

[CFE, p.15]

See also FEFCW QAH Element 1: Quality Statements 13 to 18, Element 2: Quality Statement 7, Element 3: Quality Statements 11,15, Element 4, Quality Statement 10

Key questions

- Are cultural, moral and social issues explored with learners?
- Are stereotypes based on assumptions about race, gender, ability, sexuality, age and other characteristics explored and challenged in the classroom as and when they arise?
- What training and support are offered to teachers to help them challenge inappropriate language and behaviour?
- Do teachers draw on current events which illustrate race, gender and other equalities issues, and make use of them in their teaching?
- Do teachers draw on a variety of ethnic and cultural traditions in their teaching?
- How are work placements and work experience arranged and monitored to ensure that employers operate within the college's equal opportunities policy?

Schemes of work, lesson plans and records of work

Students' views

Students' written work

Course timetables

Records of units/certificates achieved by students in key skills subjects

Arrangements for monitoring quality of work placements

Records of work placements

Records of lesson observations

Students' written and spoken reports on work placements

Arrangements for assessing students' work during work placements

Records of internal verification of assessment

External verifiers' reports and records of action taken

Assignment briefing sheets and assessment criteria given to students

Marking policy

Assessment appeals policy

Students' written work, showing teachers' marking and commentary

Tutorial records showing individual progress reviews and action plans

APEL policy

Records of assessment and accreditation of prior learning

Assessment records and documentation showing a variety of assessment methods and approaches

Course review documents

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Assisting local employers/ work experience providers

The project was designed to assist small and medium sized businesses. Originally funded for one year, it gained an extra two. Overall, 30 companies produced EO policies and action plans, and directors and managers received training on recruitment and selection, EO awareness, how to deal with racial and sexual harassment, setting up policy, action planning and monitoring and on EO legislation. A further 250 companies received bi-monthly bulletins on legal matters and what the companies more directly involved had achieved, well-received evening seminars and a good practice guide.

The companies involved have since offered work placement opportunities to students at the college and their employees have taken part on college courses including sign language classes and first aid.

An individual learning plan for a student with mental health problems

For three years, staff have worked with a 20 year-old student having different kinds of problems that have been institutionalised since the age of five. He currently plans his lessons with tutors and reviews his progress with them. He has been diagnosed by the multi-disciplinary team as suffering from schizophrenia and has full time attendance required under the Mental Health Act), and house team leader. After 3 years on a combination of discrete and mainstream provision, he is now progressing onto a mainstream programme.

- What is done to support students on work placements who may be isolated due to their age, gender, sexual orientation, disability or ethnicity?
- Do students have an opportunity to share work experiences and consider any race, gender or other equalities issues and concerns?
- Is negative feedback from students about their work experience used to challenge employers' inappropriate attitudes and practices?
- What support is given to employers to help them identify, assess and record students' achievements?
- What steps are taken to consult students about appropriate work placements, to negotiate individual learning plans and identify appropriate study and work experience targets?
- How does the college ensure that basic skills assessments, for instance, in literacy, numeracy, and English for Speakers of Other Languages, are free from cultural and other inappropriate bias?
- Is additional learning support provided to enable all students to achieve proficiency in basic skills?
- Are students given the opportunity to develop key skills in communication, application of number and information technology, and to gain accreditation for these skills?
- Are learners given the opportunity to develop key skills in working with others and managing their own learning, and to gain accreditation for these skills?
- Is there a clear explanation for students of the purpose of each assessment, the tasks they have to carry out, and the assessment criteria?
- Is a variety of assessment methods used in order to do justice to the range of different needs, aptitudes and prior learning experiences?
- Is students' work marked clearly and fairly, with written commentary giving constructive advice on how it can be improved?
- Are the results of assessments used constructively by teachers and personal tutors to help the student assess his/her progress and plan for improved performance?
- Does the college ensure that the methods used to assess prior experience and learning (APEL) do not disadvantage students from any targeted/under-represented groups?
- Does the college make it possible for skills developed by students outside college, for example, in child-rearing or running a community organisation, to be assessed and accredited through APEL?
- Is there a system for students to appeal against assessments which they perceive to be unfair?
- Are assessment results and appeals monitored by gender, age, disability, ethnic group and other relevant criteria and action taken to review/revise assessment procedures if unjustified disparities are identified?

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- Are the opportunities for accreditation appropriate, and flexible enough to meet the needs of targeted/under-represented groups?

Please add any other questions which are appropriate to your college/institution.

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Attendance and retention records, analysed according to targeted/under-represented groups

Course records, showing arrangements made for students to continue their studies if they cannot attend regularly

Tutorial policy

Records of individual students' progress reviews and action plans

Health and safety policy and strategy for ensuring safety in practical activities

Instructions to students about health and safety

Safety equipment

Records of lesson observations including practical work

Records of health and safety monitoring activities

Resources to ensure safe working practices

Lesson observation including practical work

Accident records and evidence of resulting action

Risk assessment reports on practical learning activities

Arrangements for reporting to parents/guardians and employers

Records of reports to parents/guardians and employers

Evidence of safeguards to protect students whose parents/guardians may react with violence to poor reports or a poor attendance record

Risk assessment

An epileptic student on an outdoor pursuits course at a college was provided with a mobile phone so that immediate assistance could be called at all times.

Students attend regularly, are punctual, attentive and organise their own learning effectively

[FEFC, 2i]

Students carry out practical work completely and safely

[FEFC, 2j]

Parents/ employers and others are appropriately informed of students' progress

[FEFC, 2n]

College's own charters will explain how they intend to make sure that...you (and where appropriate your parents or employer receive regular spoken or written progress reports, including any relevant coursework assessment

[CFE, p.16]

See also FEFCW QAH Element 1 Quality Statement 12, element 2: quality Statements 13 to 16

Key questions

- Is student attendance monitored according to ethnic group, gender, disability, age and other relevant criteria?
- Where monitoring data shows significant disparities in attendance rates between different targeted/under-represented groups, how is this investigated and what action is taken?
- When a student is unable to attend regularly, are alternative arrangements made to enable the student to continue with his/her studies?
- How are students helped to organise their learning and review their progress?
- Does the college take steps to ensure that all learners understand health and safety issues by producing essential information in community languages and other appropriate formats?
- Does the college carry out risk assessments on all activities associated with practical work?
- What reporting arrangements are in place for informing employers/parents of students' progress, where appropriate?
- What steps are taken to communicate progress to parents whose first language is not English or who have visual or hearing impairments?
- Are there safeguards to protect young students where a poor report or poor attendance records may provoke violence from a parent or guardian?

Please add any other questions which are appropriate to your college/institution.

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3 Students' achievements

The college sets suitable targets for the performance of individuals and groups

[FEFC, 3a]

Targets for student retention/ completion are set and met

[FEFC, 3d]

FEFCW QAH Element 2: Quality Statements 1,8,9

Key questions

- Are achievement, retention and completion targets set for all targeted/under-represented groups?
- Are differential patterns of achievement, retention and completion by targeted/under-represented groups regularly monitored and analysed?
- Is this analysis used to inform academic policy, pre-and on-course guidance, admissions policy/criteria, course planning and other relevant areas of provision?
- Are learning programmes sufficiently flexible to allow for varying patterns of attendance?

Please add any other questions which are appropriate to your college/institution.

Analysis of data on retention, achievement and completion

National targets for education and training

National statistics and comparators (benchmarks)

Academic Board/ Boards of Study minutes

Records of actions taken to improve performance

Course review documents and team meeting minutes

Individual learning programmes, showing flexible attendance modes

Tutors' records showing actions taken to improve punctuality, attendance and retention rates

Individual student action plans

Comprehensive analysis of EO data

The collection of data on ethnicity, gender, age and employment status is considered essential to the implementation of the college policy. Reports and charts are provided for senior managers and the curriculum areas on enrolment and retention by age, gender and ethnicity. This has provided a benchmark for future improvement and improvement targets have been set. The report recommends more emphasis on recording reasons for student withdrawal and circulation to curriculum areas includes advice on good practice in supporting students and areas for improvement within our control.

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Course documentation

Awarding body requirements

Moderators' and verifiers' reports

Students' records of achievement

Students' notes, written assignments and practical work

Lesson observation

Views of employers including minutes of employer forums and advisory boards

Analysis of examination results and other student achievements

National statistics

Data on added value

Individual learner performance records

Course reviews

Students' work is of an appropriate standard and where appropriate, demonstrates vocational competence

[FEFC, 3b]

Students perform well in examinations and/or other types of formal assessment

[FEFC, 3c]

FEFCW QAH Element 2 Quality Statements 2 to 7, 10 to 12

Key questions

- How does the college involve employers in the process of setting and monitoring vocational standards?
- Are the standards set appropriate to the needs of all learners?
- Are the standards consistent across the college, including college out-centres and annexes?
- Does the internal verification process take account of the needs of individual learners from targeted/ under-represented groups?
- What steps are taken to help staff identify the different needs of students from targeted/ under-represented groups and encourage the highest levels of achievement?
- How are staff and students made aware of the different support mechanisms available to students during formal assessments?
- Does the college analyse the results of assessments according to race, gender, age, disability and other relevant criteria and use the results to set equality targets for all courses and programme areas?
- If these equality targets are not met, what action is taken?

Please add any other questions which are appropriate to your college/institution.

Achievement rates by ethnic group

The college's disability statement explains arrangements that can be made to support students in external examinations including extra time, a reader or amanuensis, enlarged print, taped version of the questions or word processor. The college examinations officer has contacted all the accrediting and awarding bodies associated with the college and can also approach them for special arrangements; she also works with students and tutors to organise variations for internal assessments and course work.

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Students' other achievements are recognised and valued

[FEFC, 3e]

Students attain their primary goals in terms of progression, for example, to other further education courses, higher education or employment

[FEFC, 3f]

FEFC QAH Element 2: Quality Statements 12, 15, 16

Key questions

- Are students from targeted/ under-represented groups encouraged to acknowledge and celebrate their achievements?
- Does the college recognise and value bilingualism, parenting, caring and other relevant competencies when evaluating student achievements?
- What opportunities does the college provide to encourage students' personal and social development?
- Do performance indicators show that students are meeting their progression goals?
- Do the college's Access to HE programmes and its consortia, compacts and franchising arrangements provide for flexible accreditation systems and enable progression by students from targeted/ under-represented groups?
- What steps are taken to ensure that all students receive ongoing and exit guidance on progression and career options?
- Are transfers and progression between programmes monitored to identify ethnic, gender and other relevant patterns and is this data fed into course and policy reviews?
- Are students' achievements used in marketing and guidance to provide role models and encouragement to students from targeted/ under-represented groups?
- What steps does the college take to ensure that relations with receiving institutions and future employers embody good equal opportunities practice?

Please add any other questions which are appropriate to your college/institution.

Information on awards, prizes, grants, scholarships, projects, performances, exhibition and sporting achievements

Students' records of achievement that recognise non-traditional competencies

Work-related achievements, including voluntary, community and other non-traditional work

Analysis of data on student destinations

Targeted provision with clear achievement

Accelerated programmes for skill updating

Unemployed male students who urgently needed computer skills attended a 'fast track' course and gained employment, then continued with their qualification in the evenings.

Mentoring

Over 120 mentors, drawn from a range of professions including business, law, public service and the performing arts, support about 170 black students meeting and visiting them at work, at college and on work placements.

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4 Curriculum content, organisation and management

College strategic plan

Departmental plans

Course documentation and timetables

Data on students' destinations

Minutes of departmental meetings

Plans for, and results of, marketing surveys

The views of governors and staff

The views of employers and external organisations

Views of students

Market research

Records of links with industry, other educational colleges and the local community

Range of programmes and content of curriculum

The views of students, employers and other customers

Analysis of achievement levels and student destinations by different groups

Approval documents from national validating and awarding bodies

Students' work

Programme area development plans

Course handbooks

Documentation on efficiency measures and targets

Student enrolment, retention and achievement data

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There are clear links between strategic planning and the development and management of the curriculum

[FEFC, 4f]

Within the context of the college's mission, the curriculum meets the needs of all students, of employers and of other customers

[FEFC, 4b]

The curriculum enables students to achieve nationally approved standards for education and training

[FEFC, 4a]

The curriculum is managed efficiently and effectively and provides continuity and progression for all students

[FEFC, 4c]

FEFCW QAH Element 3:Quality Statements' 1 to 17

Key questions

- Are ethnic, gender, disability, age and other data from the census, TEC and local authorities used to plan learning programmes which meet the needs of targeted/under-represented groups?
- Are course teams encouraged to use this data when setting recruitment targets for different programmes?
- Does the college use its analysis of data to inform its outreach and marketing strategies?
- Does the college consult with students, ethnic minority employers, women's groups and voluntary organisations representing people with disabilities and/or learning difficulties and the representatives of other targeted/ under-represented groups when planning the curriculum?
- Are students and potential students consulted about appropriate course times and locations?
- Are learning programmes, timetables and syllabuses sufficiently flexible to accommodate students with disabilities and those with work, parenting, caring and/or religious obligations?
- Has the college developed a curriculum plan that shows how it intends to meet the needs of students, employers and other customers?
- Do programme area development plans take full account of the needs and views of these groups?
- What specific programmes and services are available for students from targeted/ under-represented groups?

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- Does the curriculum enable students from targeted/under-represented groups to achieve nationally-approved standards on the courses offered?
- Are admissions criteria explicit, non-discriminatory and fair to all applicants, regardless of age, qualifications, language/ learning needs, disability, etc?
- Do programme areas include equality performance indicators when planning, reviewing, evaluating and taking action to improve the efficiency and effectiveness of their curriculum offer?
- Has the college developed progression routes for all areas of the curriculum?
- Do entry and progression routes leading to nationally accredited courses take full account of the needs of students from targeted/under-represented groups?
- Does the college ensure that impartial, informed guidance about available progression routes is offered to all students?

Please add any other questions which are appropriate to your college/institution.

Profiling, mapping and strategic planning to improve access to the curriculum

The college has ... detailed profile of the ... community taking ... gender, ethnicity ... attainments and ... deprivation ... have been ... strategy develope... access and ... opportunities. ... involved with ... for ... ethnic minority ... has undertaken ... to ... course oversubs... for ... relevant courses ... have played ... developed. Job pro... courses are run ... with Employment ... and two local employ... of a one-week ... The long term unemployed ... prepare for interviews and ... subsequent employment. The course includes confidence building, interview skills, help with application forms, keeping a job once you get one and in-work benefits. Everyone who successfully completes the course is guaranteed an interview for the job available.

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The prospectus
The college charter
Course documentation
Observation of student activities
The views of students and staff
College publicity
Accredited and non-accredited activities
Arrangements for collective worship and religious education
Timetables/ schedules of student assignments and assessments
Personnel policies and guidelines
Staff timetables
Strategic and operating plans
Quality assurance arrangements, policy and procedures
Inspection of off-site provision

A secular college – information in the student handbook

The college respects the diversity and traditions and aspirations of individuals and groups peaceably worshipping and to fulfil their religious obligations. Accordingly, the college will neither require nor permit for be promoted any one religious faith or culture. Whilst college facilities exist primarily for the delivery of educational activities, arrangements will be made, where practicable, for students to carry out essential religious observance.

Students have the opportunity to participate in extra-curricular activities

[FEFC, 4d]

Colleges fulfil legal requirements in respect of religious worship and education

[FEFC, 4e]

Off-site learning, franchised provision and distance learning are managed effectively

[FEFC, 4g]

Key questions

- Does the college consult students about their preferred extra-curricular activities when planning such provision?
- Does the college monitor participation in extra-curricular activities by students from targeted/under-represented groups?
- Does the college ensure that its extra-curricular activities are accessible and attractive to all students?
- Does the college make use of nationally-recognised awards to enhance and promote participation in extra-curricular activities?
- Does the college use off-site learning, franchised provision and distance learning to promote and facilitate access for targeted/under-represented groups?
- Are franchised and other off-site courses operated within the college's equal opportunities policy?
- Do quality assurance systems for off-site provision mirror the college's on-site quality and equality assurance arrangements?
- What arrangements are made to ensure that staff working at college out-centres and annexes have access to staff development, resources and support structures?
- *(Sixth form colleges, including Roman Catholic and other colleges of voluntary-aided origin)* Does the college inform students of its obligations with regard to religious observance under sections 44 and 45 of the Further and Higher Education Act 1992?*
- *(Roman Catholic and other sixth form colleges of voluntary-aided origin)* Does the college carry out its obligations with regard to religious observance and religious education in accordance with its trust deed?*
- Does the college use its best endeavours to ensure that employment and timetabling arrangements are sensitive to the religious needs and obligations of both students and staff?
- Are adequate prayer and support facilities provided where practicable for students and staff who wish to meet religious obligations while at college?

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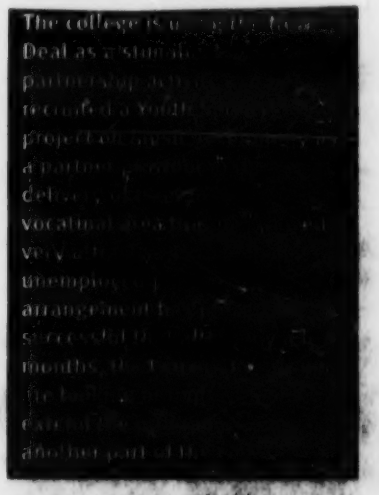
- *(Sixth form colleges)* Does the college fulfil its obligation to provide a collective act of worship every week, of a broadly Christian character, in response to student request or demand?*
- *(Sixth form colleges, including Roman Catholic and other colleges of voluntary-aided origin)* Do the governors exercise their freedom to provide for additional acts of worship which reflect the practices of other religious traditions represented in Great Britain, in response to student request or demand?*
- *(Sixth form colleges)* Do the governors meet their obligation to provide religious education at a time when it is convenient for the majority of students to attend, in response to student request or demand?*
- *(Sixth form colleges)* Does the religious education provided take account of the teaching and practices of the other principal religions represented in Great Britain, as well as Christian traditions?*

Please add any other questions which are appropriate to your college/institution.

***See Section 8, Legal Framework**

Franchise arrangements



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Student reviews

Publicity materials

Open events, tasters and preparatory workshops

Arrangements for admissions and enrolment

Observation of guidance and enrolment activities

Documentation of links with schools, careers service, external agencies and employers

Procedures for the assessment of students' prior learning

Staff development programmes for advice and guidance, welfare and admissions staff

Documentation relating to course team reviews, staff reviews and appraisals

Careers education and guidance procedures

Documentation relating to student progression

Records of student visits to receiving institutions or prospective employers

Minutes of course team meetings

Information about employment and educational opportunities

Targeted guidance

Enrolment figures, guidance take-up statistics and community feedback are used to create specific strategies for groups requiring targeted guidance.

A Language and Access project for second language speakers has developed links with community groups, provided guidance and support in Asian languages, developed outreach activities involving guidance and progression and front-loaded language support.

Since the start of the project the number of second language speakers enrolled at the college has increased by 50%.

5 Support for students

Impartial guidance before and on entry to the college helps students to choose the course which is right for them

[FEFC, 5a]

Students receive appropriate guidance on the opportunities available to them when they have completed their studies

[FEFC, 5d]

FEFCW QAH Element 3 Quality Statements 7,8 Element 4, Quality Statements 3,7,8

Key questions

- What steps are taken to ensure that arrangements for student enrolment are welcoming, accessible, flexible and include access to appropriate advice and guidance?
- Are staff responsible for advice, guidance and admissions services trained to recognise and address the particular needs of targeted/ under-represented groups and avoid stereotyping their needs and abilities?
- Does the college provide specific guidance for mature students and returners on available courses, Access provision, and progression to employment and further and higher education?
- Are students encouraged to consider courses traditionally associated with the other sex – for example, engineering or car mechanics for women, childcare or secretarial skills for men?
- Does the college ensure that potential and actual students whose first language is not English have access to guidance and APEL in their home language, where required?
- What steps are taken to ensure that students receive on-going and exit guidance about progression/ career options?
- Are enrolment patterns, transfers between programmes, student destinations and progression monitored and analysed to identify patterns and trends for targeted/ under-represented groups?
- Are advice and guidance staff encouraged to take account of this data when reviewing their practice?
- What mechanisms are in place to identify and review policies and practices that give rise to unwarranted differences in progression between groups of students?
- What steps are taken to advise and support students who are particularly disadvantaged by employer discrimination?

Please add any other questions which are appropriate to your college/institution.

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Induction programmes enable students to settle into work quickly and understand the opportunities open to them, their rights and their responsibilities

[FEFC, 5b]

Students have access to relevant support on personal issues

[FEFC, 5e]

If the college cannot sort out the problem to your satisfaction and you think it is behaving unreasonably or it is not doing its job properly, you can complain to the Funding Council or direct to the Secretary of State

[CFE, Part 3, p.24]

FEFCW QAH Element 4 Quality Statement 4

Key questions

- Are induction sessions timetabled so that all students, regardless of their mode of attendance and their domestic, work, parenting and other responsibilities, can attend?
- Are course induction methods and handouts appropriate to the needs of all students?
- What steps are taken to ensure that induction sessions and tutorials allow adequate time for discussion and include a range of appropriate induction activities?
- Are students given information on the college's equal opportunities policy, and on their rights according to the Charter for Further Education and under the Anti-Discrimination Acts?
- Are students made aware of the college complaints, grievance and appeals procedures and how to access them?
- Are students made aware of the penalties and redress for racial, sexual and other forms of harassment?
- Are students made aware of their other rights and responsibilities and how to exercise them?
- Are staff responsible for tutoring, counselling, welfare and other student support services trained to identify and address the particular needs of students from targeted/ under-represented groups?
- What training do tutors, counsellors and other staff receive to ensure that they do not make stereotypical assumptions based on race, gender, disability, age, religion, sexual orientation and other actual or perceived differences?
- Are students encouraged to report incidents of racial, sexual and other forms of personal harassment and what support is available to those who make formal complaints?
- Are complaints systematically monitored and appropriate action taken both to redress complaints and prevent recurrence?

Student reviews

Induction arrangements

Staff development programmes for Advice and Guidance, Student Support and Welfare staff

Information and materials provided for student induction

Induction activities and resources

Induction checklists and other guidance to staff

Observation of induction activities

Records of transfer arrangements between courses

Records of referrals for language/learning support

Arrangements for providing financial advice, counselling for personal, health, moral and social matters, childcare and other forms of support

Equal opportunity and disability policies

Grievance and appeals procedures

Student services and personal support facilities

Support group for women on non-traditional vocational courses

In 1995/6 the college identified as a strategic target an increase in women studying technology and other non-traditional areas. A Women's Support Group was then set up at the college's Technology Centre

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A black woman on a Construction course leading to NVQ3 in Plastering acts as the group co-ordinator. She networks with all women on students on any construction or engineering course including Carpentry and Joinery (15), Brickwork (5), Plumbing (2), Plastering (2), BTEC courses (4), Moor Vehicle Engineering (10) and I&A GNVQ (2). The fortnightly meetings are well attended with minutes sent for action to the Director of Studies, Curriculum Group Manager and Quality Manager.

Induction to equal opportunities

Page one of the student handbook states 'you are entitled to freedom from discrimination ... we will work actively to remove any barriers to your learning and to ensure you have an equal opportunity to achieve the qualifications that you need. If you feel that you have been discriminated against, you should report the incident to a member of staff and appropriate action will be taken. Guidelines on appropriate and inappropriate behaviour, including what is expected from you, will be discussed with you during induction. The tutors' induction checklist includes the EO procedures and action plans, and their handbook includes case studies of inappropriate behaviour.

- What training is given to tutors, counsellors and other staff responsible for advising and supporting victims of harassment or implementing other aspects of the college grievance procedures?
- Do all students have access to college counselling and welfare advice services?
- Does the college offer childcare support for students with children, such as an on-site nursery, holiday play-scheme or financial support for after-school care?
- What steps are taken to ensure that financial support is fairly distributed and available to students for a range of different needs, including care of elders, travel costs, additional placement costs, and grants for books and equipment?
- Is support available to students who experience difficulties due to isolation on courses where, for instance, they are the only student who is female, male, black, mature or disabled?
- How does the college cater for students who, because of their personal, cultural or religious circumstances, wish to access a counsellor from a similar background to themselves or access other specialist services and facilities?

Please add any other questions that are appropriate to your college/institution.

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Students receive effective learning support to meet their individual learning needs throughout their studies

(FEFC, 5c)

FEFCW QAH Element 1: Quality Statement 14, Element 4: Quality Statements 5,6,11

Key questions

- Are there effective procedures for identifying students' learning support needs pre-enrolment, at enrolment and during induction?
- Are students consulted about the learning support they may need?
- Are staff trained to recognise when students have learning support needs, for instance, arising from hearing or sight impairments, specific learning difficulties or poor levels of competence in English and IT?
- Are there specialist staff in the college to support teachers in developing teaching and learning strategies for students who need additional support?
- Are all teaching staff made aware of the range of college services available to meet students' learning and support needs?
- How effective are procedures for referring students who require additional learning support and for monitoring their progress?
- Do the college's learning support services meet the full range of students' needs?
- Does the college ensure that learner support is available and integral to all courses?
- Does the college ensure that learning support services are available during evenings and weekends for students with domestic, work, parenting and other responsibilities?
- Does the college actively promote its provision in English for speakers of other languages (ESOL), literacy and numeracy, IT, study skills and other kinds of learning support?
- Does the college's ESOL provision cater for the diverse needs of students whose first language is not English, including those with existing professional/vocational qualifications and those who are not yet literate in their home language?
- Does the college use community languages, audio tapes and other appropriate formats to inform students of the range of learning support available to them?
- Is there an effective tutorial system which assists students to manage their learning?
- Do all learning programmes incorporate and address study skills?

Please add any other questions which are appropriate to your college/institution.

Student reviews
Screening and diagnostic tests
Assessment methods
Monitoring arrangements
Documentation relating to specialist staff and equipment
Course team reviews, staff reviews and appraisals
Referral arrangements
Tutorial resources and arrangements
Learning support policy
Staff development records

Teaching partially-sighted students

The staff resource pack includes guidelines on producing handouts and presentations, encouraging the involvement of a support "buddy", information on special low vision aids, as well as ways of communicating and structuring classes more clearly and responding more helpfully to the student.

Supporting students with mental health difficulties

Using feedback from students who are mental health service users, the college has drawn up tips for support assistants/volunteers/befrienders, eg

- be fully aware of their role, in and outside the classroom
- be aware of the wide variety of mental health conditions
- assume that the student has some degree of intelligence; because their condition does not mean they are stupid
- be an enabler.

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Staff recruitment and selection procedures in which EO principles and good practice are integral

Staff CVs and records of staff development

Job advertisements that encourage applications from targeted/under-represented groups

Comparison of application/ appointment rates, monitored by age, gender, ethnicity, disability

Documents showing staff deployment across the college

The views of managers, teachers, support staff and students

Staff timetables and job descriptions

Arrangements for staff appraisal and review

Investors in People status

Staff development programmes

Arrangements for disseminating the information and experience gained through staff development activities

Resources allocated to staff development

EO staff development

All staff complete an EO Staff Development module comprising a series of activities which raise awareness of EO issues. It includes an activity focussing on barriers to performance and career progression for under-represented students and staff, an introduction to anti-discriminatory language and a plenary discussion. Over 200 staff have completed the module.

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6.1 Resources: Staffing and specialist provision

Teachers have appropriate qualifications and up-to-date knowledge

[FEFC, 6a]

Technical and administrative staff are appropriately qualified and effectively deployed to support teachers and students

[FEFC, 6b]

Staff evaluate their own performance and are provided with suitable opportunities for professional development

[FEFC, 6c]

FEFCW QAH Element 5, Quality Statements 1 to 9

Key questions

- How integral are EO considerations and criteria to staff recruitment, selection, secondment and deployment procedures?
- How are staff responsible for the recruitment, selection and interviewing of job candidates trained to take account of equal opportunity considerations and the relevant legal requirements?
- What steps are taken to ensure that applications for jobs in the college are encouraged from ethnic minorities, people with disabilities and other targeted/ under-represented groups?
- What steps are taken to ensure that short-listing procedures take account of the potential of applicants with non-traditional or overseas qualifications, those with transferable skills or experience and those who have had career breaks to raise children?
- Does the college analyse and make use of data relating to its staffing profiles, including qualifications, skills, disability, age, ethnicity and gender?
- How are job applicants required to demonstrate their awareness of EO issues and their understanding of the needs of students from targeted/ under-represented groups?
- Does induction for new staff include training on implementing the college's EO policy?
- Are staff actively encouraged to update their skills and knowledge of EO issues?
- How does the college identify staff with unrecognised skills – for example, minority language speakers and signers?
- Does the college have a designated budget for re-training and skills updating?

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- To what extent do individual appraisals and college strategic plans influence staff development, re-training and skills updating priorities?
- What is done to ensure that all staff receive regular staff development and communications on implementing the college's EO policy?
- What steps does the college take to reduce barriers and encourage full and equal participation in staff development activities?
- Are support staff effectively deployed to support the needs of teachers and students?

Please add any other questions which are appropriate to your college/institution.

Monitoring policies

One college used the *Trust and Equality* manual as a starting point to develop a framework for monitoring all policies, systems and practices in the college. The framework identified how to gather evidence, action required, persons responsible, etc. A mission and values survey of employees revealed, for example, that a third 'very strongly disagreed' that promotion was 'fair, objective and based on merit'. The recruitment and selection code of practice is being updated in line with the findings and recent legislation.

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Library and learning resources to support specialist provision

Lesson/ tutorial/ learner support observation

Equipment/ resource lists/ asset registers for main centres and off-site facilities

Lesson observation

Course review documents

Access to and utilisation of learning resources

Plans for replacement and updating resources

The views of staff and students

Access to classrooms

One college which had three floors and no lift in the main building identified that much of the ground floor space was taken up with administrative and specialist function. Staff therefore reorganised the accommodation to provide some general teaching classrooms on the ground floor. They also stated in the college disability statement their commitment to move classes, wherever possible, to the ground floor when requested to do so by people with impaired mobility.

Specialist accommodation provides an appropriate setting for teaching and learning

[FEFC, 6h]

There is appropriate specialist equipment and other resources to support teaching and learning

[FEFC, 6d]

Specialist classrooms, laboratories and teaching areas are safely equipped

[FEFC, 6e]

Key questions

Is the college's specialist accommodation suitable for the courses it offers?

Does the college have effective procedures for identifying students' access and accommodation needs?

Are students who use specialist accommodation consulted about its suitability?

What mechanisms are in place to identify students who need access to specialist equipment and other resources to support their teaching and learning?

- What other specialist equipment, learning resources and materials are available to assist and support students in their learning?
- Are students consulted about the suitability of specialist equipment, learning resources and materials?
- Does the college ensure that specialist advice is given to staff on available resources and materials and that full use is made of them, when needed?
- What steps are taken to ensure that student facilities and learning environments, including those in out-centres, are appropriately equipped and fully accessible by wheelchair users and those with physical impairments?

Please add any other questions which are appropriate to your college/institution.

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Students have suitable access to learning resources and materials to assist their learning

[FEFC, 6f]

Students have suitable access to appropriate information technology resources

[FEFC, 6g]

FEFCW QAH Element 5: Quality Statements 19 to 21

Key questions

- Are students consulted about the resources and materials they may need?
- Do students make full use of specialist equipment and resources to assist their learning?
- Are specialist equipment, learning resources and materials available to students on all sites of the college?
- Does the college monitor the use of its IT and other learning resource provision to ensure that students from targeted/ under-represented groups have full access to them?
- Are there mechanisms in place to ensure that students have on-going access to IT facilities and support?
- Can IT support be accessed in the evenings, at weekends, on a drop-in basis and via other flexible modes of attendance?
- What is done to ensure that students with disabilities/ learning difficulties can access non-standard equipment?
- Are students whose first language is not English supplied with appropriate learning support aids, such as bilingual dictionaries and software?
- Do students whose first language is not English have access to software in a range of community languages?
- Are adequate numbers of staff trained to achieve IT literacy and respond to students' IT support needs?

Please add any other questions which are appropriate for your college/institution.

Information technology strategy

Resource lists including hardware and software

Access arrangements and support available to students

Lesson observation

Staff/ student reviews

Accommodation and time-tabling strategies

Reports and feasibility studies by access consultants, builders and other relevant agents

Surveys of the use of rooms showing awareness of/ responses to student access and specialist accommodation needs

Enabling full participation

One [illegible] voice recognition programmes to [illegible] students with visual [illegible] computer programmes to identify learning [illegible] styles, fire alarms [illegible] impaired students and 'communicators' for hearing impaired and partially sighted students in all areas of study.

Using Makaton

Learning difficulties are supported with the use of Makaton, a system of communication which allows students to learn, understand and respond individually. Specially designed computer software is used to assist this process.

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The views of students and staff

Accommodation surveys

Surveys of the use of rooms, general areas and facilities

Accommodation strategy

Observation and records of displays, exhibitions and the use of notice boards

Observation of the suitability of accommodation

Financial allocations for upgrading and improving general accommodation and facilities

The range of resources, including books, journals and other materials and equipment

The quality of the learning environment including the amount and the use made of space available to students

Records of access, including opening hours

Staffing levels

Security measures/ systems

Positive images

HNC Photography students have worked with the local CRC on an exhibition of images of the local ethnic minority communities. It will be shown alongside the CRE's *Images of the Future* exhibition at the college, for staff development and curriculum enrichment.

6.2 Resources: Cross-college/ general provision

General accommodation is suitable, is used effectively and is well maintained

[FEFC, 6i]

General facilities to support learning, including libraries and learning resource centres, are of an appropriate quality and readily accessible to students

[FEFC, 6j]

Common areas, including refectories and common rooms, meet the needs of students

[FEFC, 6k]

FEFC QAH Element 4: Quality Statement 9, Element 5: Quality Statements 10 to 12, 14, 23, 24

Key questions

- Does the college consult students from targeted/ under-represented groups when planning its common areas and general facilities to support learning to ensure that their needs are met?
- What steps does the college take to encourage an ethos of equality and diversity in:
  - classrooms, laboratories and other teaching areas?
  - the library, learning resource rooms and other learning support facilities?
  - the refectory, student common rooms and other common areas?
- Does the college monitor the use of its common areas and general facilities by students from targeted/ under-represented groups?
- Do posters, exhibitions, artwork, displays of students' work and the general décor provide a welcoming, inclusive learning environment and positive images for all students?
- How does the college manage and monitor information boards, posters, displays and the removal of graffiti?
- What steps does the college take to fulfil its duty to provide a safe and secure environment for staff and students?

Please add any other questions which are appropriate to your college/institution.

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The college caters effectively for students from particular groups, including those with physical disabilities

[FEFC, 6m]

Students have access to recreational and sports facilities, where appropriate

[FEFC, 6l]

Your local colleges should publish information about its sporting opportunities and facilities

[CFE, 1997 update, issued 7.11.97]

FEFCW QAH Element 5: Quality Statement 16

Key questions

- How does the college ensure that students and staff with mobility problems and other physical disabilities have access to buildings, teaching rooms, learning support facilities, student services and other common areas?
- Does the college have an accommodation strategy, linked to its strategic plan, for improving, upgrading or adapting buildings and teaching rooms to meet the needs of students and staff with disabilities?
- What steps has the college taken to ensure that students and staff with religious obligations have access to appropriate facilities for prayer, fasting and other purposes?
- In colleges where the majority of students are under 21, what facilities and services are made available to meet the needs of adult learners and mature students?
- Where appropriate, what steps has the college taken to provide separate facilities for women?
- Does the college consult students from targeted/ under-represented groups when planning recreational and sports facilities?
- Does the college monitor the use of recreational and sports facilities to ensure equality of access?
- What initiatives does the college take to ensure that students from targeted/ under-represented groups make full use of sports and other recreational facilities?
- Does the college promote the use of its facilities by members of the local community?

Please add any other questions which are relevant for your college/institution.

Policy statements and development plans

Access and support arrangements

Observation of accommodation and facilities

The views of staff and students

Accommodation surveys

Data on participation and use of facilities

Register of facilities including use of those off-site

Disability sports circuit

The programme caters mainly for students with physical disability and/or sensory impairment and has open access. It also provides an opportunity for students from Access to PE, Coaching and Sports Leaders courses and Teacher Education courses, to gain experience of teaching adaptive games in a supportive environment. Over the past three years over 10% of the students on the Leaders Coaching Award have been physically disabled and many have progressed into coaching work in the community.

The programme has stretched and challenged both students and staff. It has ensured that staff stay abreast of disability issues, develop strong links with community organisations and are able to provide workshops and in-service training for schools, the youth service and community groups.

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Accommodation surveys
Direct observation
The views of staff

Teaching and support staff have appropriate work areas and access to facilities to help them in their work

[FEFC, 6n]

FEFCW QAH Element 5: Quality Statement 13

Key questions

- How does the college cater for the needs of teaching and support staff from minority groups, including staff with physical and sensory disabilities and ethnic minority staff who may be isolated within departments/programme areas?
- How does the college identify and meet the support needs of such staff?
- Does the college consult staff from targeted/under-represented groups about their requirements?
- How does the college ensure that all its staff, including part-time staff, have access to work areas, photocopying and other relevant facilities?

Please add any other questions which are appropriate to your college/institution.

Staff support group

One large urban college employs staff from a variety of backgrounds including those from ethnic minorities.

A support group for black staff was established. This group assists the development of black staff and works with the college in pursuing its equality targets. They also provide emotional support for staff who in turn provide support for black students and users of the college.

This group works with the college management and student union as well as welfare and mentor services.

The minutes of their meetings are disseminated to the college's equal opportunities group for information and action where appropriate.

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7 Quality assurance

The college sets high standards and has arrangements for quality assurance which lead to measurable gains in performance

[FEFC, 7a]

The college is committed to continuous improvement

[FEFC, 7c]

Quality Assurance procedures cover every aspect of the college's work, are rigorously applied and are continually reviewed

[FEFC, 7d]

Performance indicators are clearly identified, effectively used and help to ensure that money is well spent

[FEFC, 7e]

The college's reporting arrangements include regular and rigorous self-assessment of its performance which identifies strengths and weaknesses, informs strategic planning and leads to continuous improvement

[FEFC, 7f]

FEFCW QAH Element 6: Quality Statements 1 to 15

Key questions

- Is the college's equal opportunities policy and action plan subject to monitoring and review procedures which are integrated with the college's quality assurance system?
- Is information about EO actions and improvements fed back to students and staff to demonstrate the college's commitment to continuous improvement in this area?
- Has the college identified benchmarks, and developed standards, targets and performance indicators relating to equal opportunities in all aspects of its work?
- Are students, staff and community representatives consulted in the process of setting targets?
- Is there an annual report on progress against the college's equal opportunities action plan, which is presented to the academic board and governing body?
- Are the strengths and weaknesses of the college's work in relation to equal opportunities identified in its annual self-assessment report?
- What steps are taken to ensure change or improvement in areas where equality targets are not met?
- Does the college's strategic planning process take account of the strengths and weaknesses of its work in relation to equal opportunities, as identified through the self-assessment report?

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College mission statement, strategic plan, quality assurance framework and calendar

Data, statistics and performance indicators covering all aspects of the college's work

Agendas and minutes of governing body meetings

College's annual self-assessment report

Policy statements, guidance documents and academic board papers

Agendas/minutes of course team meetings, course reviews and staff appraisals

Student questionnaires and reviews

Annual report summarising progress against the equal opportunities action plan

Students' views

Records of consultations with staff about equality of opportunity for students and employees

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Extract from an equal opportunities action plan

From September – December 1998, the equal opportunities advisers will meet with the manager of each key college function to clarify their responsibilities with regard to equal opportunities, to identify key targets which each function is setting itself, and to identify the nature of support and advice required from the equal opportunities advisers. Progress towards targets will be the subject of regular review at each equal opportunities Forum meeting.

In relation to quality, objectives include assessing the effectiveness of the student survey to ensure it elicits appropriate and meaningful information with regards to equal opportunities, improving the [illegible] quality review to [illegible] equal opportunities issues and developing equal opportunities [illegible] college community.

- Does the college make effective use of data about targeted/under-represented groups to inform the review and strategic planning of all aspects of its performance, including:
  - targets and performance indicators relating to equal opportunities, eg: targets for enrolment, retention, achievement and progression
  - marketing and advertising strategies
  - collaborative work with other institutions and agencies
  - staff training and development
  - curriculum development
  - pre-entry and on-course advice and guidance
  - teaching and learning strategies and resources
  - learning support
  - accommodation
  - equipment
  - provision for religious/cultural minorities
  - college ethos and environment
  - policy reviews.
- Are there effective methods for identifying students' views on the college's success in promoting equality of opportunity?
- Are responses to surveys of students' views analysed according to ethnicity, gender, age, disability and other relevant criteria?
- Do governors, college staff and representatives of the community have the opportunity to comment on the college's success in promoting equality of opportunity for its students and its employees?

Please add any other questions that may be appropriate to your college/institution.

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The college's own charter is readily available and clearly identifies the standards of service which students and other customers can expect

[FEFC, 7g]

Responsibilities for quality assurance arrangements arising out of links with other colleges, including franchise arrangements and other forms of contracted provision, are clearly allocated, understood and met

[FEFC, 7h]

Key questions

- Is the college's charter written in an accessible way and made available in community languages and/or other appropriate formats?
- Do all students, including those on externally provided and franchised courses, receive a copy of the college's charter and understand its function?
- Does the college's charter identify the service standards which students from targeted/under-represented groups can expect?
- Do these standards reflect and promote good practice in equal opportunities?
- Is there a system for monitoring performance against the service standards, which is integrated with the rest of the college's quality assurance system?
- How does the college consult students from targeted/under-represented groups when reviewing or updating its charter?
- Do all students, including those on externally provided and franchised courses, have information about the college's complaints procedure and understand how to use it?
- Are records of students' complaints reviewed periodically, to check whether they reveal failures in the implementation of the college's EO policy and whether appropriate action has been taken?
- Does the college ensure that EO considerations and standards are integral to its contracts and negotiations with external providers and franchisees?
- Is there a quality assurance process which ensures that external and franchised provision is monitored for compliance with the college's EO policy and standards?
- Are there opportunities for students on externally provided and franchised courses to express their views on aspects of their courses relating to equal opportunities?
- Does the college ensure that outreach and community education staff, youth workers and other staff involved with off-site provision understand their role, and meet their responsibilities with regard to the college's equal opportunities policy?

Please add any other questions which may be appropriate to your college/institution.

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The college charter

Records of the monitoring of the college's performance against the charter standards

Tutorial and induction records

Complaints procedure

Complaints log and analysis of complaints

Reviews by customers and external providers

Contracts with external providers and franchisees

Records of visits to external providers and franchisees to check compliance with quality assurance procedures and equal opportunities policy

Students' views on externally provided and franchised provision

Records of training on the college's equal opportunities policy for staff involved with off-site provision

An accessible charter

The pocket-size charter is available in six community languages (others on request) and braille, for which it gained a Queen's Award. It includes information on student enrichment activities and support, representation, finance and policies.

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Agendas and minutes of governing body meetings

Records of governors' training events

Records of course validation panel

Records of external verifiers' reports and action taken

Documentation outlining staff appraisal process

Training materials for appraisers and appraisees, and training records

Records showing that staff development has resulted from appraisals and weaknesses have been remedied

Staff development programme

Staffing profile

Records of staff development activities for groups who are under-represented at particular levels in the organisation

Equal opportunities: a customer care approach

The senior manager with responsibility for equality assurance and staff development worked with colleagues to commission awareness training for all staff and governors. It has already led to significant changes in the quality of interviews and referrals.

Quality assurance arrangements are understood and supported by staff and governors, and meet the requirements of examining, awarding and accrediting bodies and the Charter for Further Education

[FEFC, 7b]

Staff appraisal and professional development are integral to quality assurance

[FEFC, 7i]

Key questions

Does training for governors include training on the college's quality assurance arrangements, including those aspects relating to equality of opportunity?

Do governors receive regular reports on the findings of the college's quality assurance system?

Is there a system for ensuring that comments from external verifiers and moderators are acted upon?

Is there a course validation process which ensures that new and continuing courses meet the requirements of examining, awarding and accrediting bodies with regard to equality of opportunity?

Does the college ensure that EO criteria and considerations are integral to all staff appraisal and development activities?

Is there a system of individual staff appraisal for all staff, which leads to professional development opportunities?

Does the training for appraisers and appraisees include consideration of issues relating to equality of opportunity?

Does appraisal include consideration of the individual staff member's implementation of the college's equal opportunities policy in their work?

- Does staff appraisal lead to individual EO development targets and related staff development?
- Are appraisees able to request a different appraiser if they wish?
- Do appraisal procedures include appeal procedures for appraisees who are unhappy with their appraisal outcome?
- Does the college provide staff development in equal opportunities practice?
- How does the college determine whether staff development and other initiatives lead to improved practice?
- Where groups of staff are under-represented at particular levels in the organisation, are there opportunities for them to undertake development activities which will enable them to build on their skills and experience for career progression?

Please add any other questions which are appropriate to your college/institution.

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8 Management

Effective management enables the college to achieve its targets, to meet its other criteria for success, and to keep teaching and learning under constant review

[FEFC, 8a]

Staff and other resources are effectively and efficiently deployed

[FEFC, 8d]

FEFCW QAH Element 5 Quality Statements 12, 17,18, 22

Key questions

- Are staff encouraged to fully contribute their skills and experience, including those gained outside the college?
- Does the college take account of the Positive Action provisions of the Race Relations, Sex and Disability Discrimination Acts in the recruitment, deployment and training of staff?
- Are job descriptions clearly-worded and non-discriminatory?
- Are job descriptions regularly reviewed?
- What steps does the college take to ensure that its staff profile is representative and reflects its local community?
- Has the college developed a staffing profile showing the proportions of men and women, disabled people and people from different ethnic groups at various levels of the organisation?
- Does the college collect and provide management information to assist staff to monitor and achieve EO targets?
- Does the college have effective performance indicators that take account of EO issues?
- Does the college include specific EO statements in its criteria for effective teaching and learning?
- Does the college take full account of EO issues when establishing systems for observing and reporting on teaching and learning?

Please add any other questions which are appropriate to your college/institution.

Organisation and management structures

Job descriptions and timetables

The views of staff

Staff skills audit

System records

Mission statement

Strategic and operational plans

Data on the college's performance in all aspects of its work

Black managers' network

The college has a network where black managers can obtain mutual support. It also:

- **through consultation and discussion, helps develop and promote the college's EO policy**
- **actively helps to implement the equality dimension of the college's strategic and equality action plans**
- **seeks ways actively to promote the needs and views of all black managers as well as other black staff**
- **via the EO co-ordinator, acts as a formal advisory body to senior management and reports to the EO sub committee on measures to secure the implementation of the equal opportunities policy**
- **seeks to increase the effectiveness of current and potential black managers by assisting in identifying training and development needs**
- **seeks ways to increase awareness of wider race equality issues in education.**

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Strategic and operational plans

College management structure

Investors in People status/ processes

Arrangements to communicate college aims and objectives

Staff development programme

Documentation on the management structure

Arrangements for internal communications

The views of managers, teachers and support staff

Minutes of management meetings and action plans

EO responsibilities

The college has drawn up a checklist for different groups of staff identifying particular responsibilities and opportunities. These responsibilities curriculum methods classroom and tutorial Personnel and rights appraisal discipline bullying and support appropriate Course handbooks school responsibilities Work is regularly reviewed using the checklist. Support staff, learning resources and facilities managers and others reception and removal of graffiti.

The college's values and its aims, objectives, targets and criteria for success, as embodied in strategic and operating plans, are understood and supported by staff

[FEFC, 8b]

The college's management structure and its lines of communication and accountability are effective; staff understand their roles in the context of how the college is managed

[FEFC, 8c]

Key questions

- Is the college EO policy supported by an implementation plan, on-going staff development and effective monitoring/ review procedures?
- How are EO objectives integrated into college-wide strategic and operational planning?
- How does the college monitor staff understanding and support for EO issues in its strategic and operational plans?
- Are staff, students and other relevant parties fully involved in the development of strategic and operational plans?
- Does the college have an effective EO awareness training programme to underpin the development of strategic and operational plans?
- Does a senior manager have overall responsibility for the implementation and review of the college's EO policy?
- Do college managers communicate regularly with staff about management aims and objectives in relation to equality issues?

Please add any other questions which are appropriate to your college/institution.

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There is appropriate and effective liaison with external bodies involved in education and training; for example, training and enterprise councils, local education authorities, careers education and guidance services, schools and other organisations within the local community

[FEFC, 8e]

Key questions

- How does the college identify appropriate external bodies and community groups with whom to liaise?
- How effective is the college's liaison with external bodies involved in education and training, including:
  - local TECs (LECs in Scotland)
  - Fair Play for Women Consortia?
  - businesses led by targeted/ under-represented groups?
  - local schools, including special schools?
  - voluntary organisations that represent the interests of targeted/ under-represented groups?
  - ethnic minority religious groups and youth organisations?
  - local authority, Social Services, Health Authorities?
  - careers services?
- When liaising and consulting with outside organisations, does the college use their advice to develop college programmes and guarantee the quality of services provided?
- Does the college liaise with local TECs/ LECs to ensure that local labour market statistics identify sectors where targeted groups are significantly under-represented or disadvantaged?
- What steps are taken by the college, in liaison with local TECs/ LECs and employers, to address any under-representation identified?
- Does the college set annual targets for the number of external organisations to be approached to help fund special programmes, such as single sex courses, courses for particular ethnic groups, courses for students with disabilities and/or learning difficulties or courses for adult returners?
- Does the college have a designated liaison officer for European Union education projects, including fundraising for special courses?
- Does the college have regular consultations with appropriate trade unions?

Please add any other questions that are appropriate to your college/institution.

Sources of indicative evidence

Arrangements for managing external liaisons

Records of meetings and other contacts with external bodies

Reviews of the effectiveness of the college's work with external bodies

The views of representatives of external organisations

Outreach provision in collaboration with the local authority

Collaboration with the local authority has resulted in two satellite learning centres in areas of greatest deprivation. There has been an increase in the number of ethnic minority students, and some regeneration of a large, isolated council overspill estate.

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Use of TEC and other labour market information

Market research and marketing plans

Responses to key national reports

Internal sources of information

The views of representatives of external groups

Management information strategy and its implementation

Course reviews and documentation

Returns to the Council

Reports to governors

Views of managers and staff

Staffing audit statistics

Recruitment audit statistics

Staff development records and reports

Using ISR data

One college compared its ISR data with the information in *Mapping the FE Sector* and found that students with learning difficulties and disabilities were considerably under-represented and were concentrated on specially designed courses; very few were on vocational programmes. They therefore developed a college-wide recruitment strategy with targets for increased participation on all programme areas.

Community profiling

A detailed profile of the local community has been undertaken focusing on gender, ethnicity, prior attainments and levels of deprivation within the local population. Penetration levels have been mapped and a strategy developed to improve access to educational opportunities.

The college's strategic development is informed by effective market research

[FEFC, 8f]

Information needs of management are identified and management information is effectively used at all levels

[FEFC, 8g]

Key questions

- How does the college's marketing strategy address any disparities identified by the monitoring of enrolments by ethnicity, gender, age, disability and other factors in recruitment between different groups?
- What criteria does the college use to identify the most appropriate forms of market research?
- How are the following areas monitored by gender, ethnicity, age, disability and other relevant factors?
  - student applications
  - admissions
  - student distribution by course and programme area
  - retention and drop-out rates
  - examination results and qualifications
  - completion of non-exam courses
  - use of learning support
  - progression to further study or work
  - employment destinations
  - work placements
  - disbursement of access funds
  - grievances and disciplinary action
  - staff recruitment applications
  - promotion and progression of staff.
- Does the college take effective steps to utilise the data it collects to improve services for targeted/ under-represented groups?

Please add any other questions that are appropriate to your college/institution.

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Equality of opportunity is promoted and effectively managed

[FEFC, 8h]

FEFCW QAH Element 4: Quality Statements 1 and 2

Key questions

- Are the college's EO policy and charter written in plain, accessible English and where appropriate in the relevant community languages?
- How widely is the college's EO policy distributed and publicised, both externally and internally?
- Are staff and students given their own copy or summary of the college's EO policy and what steps are taken to ensure they understand its implications?
- What steps are taken to ensure that there is systematic implementation and effective, on-going review of the college's EO policy?
- What steps are taken by managers to ensure that staff and students are aware of their responsibilities for implementing and adhering to the college's EO policy?
- What specific and systematic actions does the college's EO policy require from all parts of the institution?
- Do staff and students know which of the college managers has overall responsibility for implementing the college's EO policy?
- How easy is it for staff and students to take their concerns to this member of staff?
- What is done to ensure that EO policies, procedures and issues receive a high profile in the college's activities and operations?
- How effectively do senior managers fulfil their overall responsibility for putting the college's EO policy into practice?
- Are students and staff consulted about the effectiveness of EO policies and procedures?
- How effective is the marketing strategy in projecting the college's commitment to EO both as an employer and as a service provider?
- How effectively do the visual images and language used in publicity materials reflect the college's commitment to equality?
- How are decisions made as to which publicity materials should be translated into which community languages?
- How effective and representative are the voluntary/community organisations, the ethnic minority media and other community outlets chosen to promote college programmes?
- Are targets set for obtaining media coverage of the college's EO policies, initiatives and achievements?

Please add any other questions that are appropriate to your college/institution.

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Policy statements
Monitoring arrangements
The views of staff and students
Publicity and marketing materials
Lesson observation
Recruitment documentation

A management development model for policy implementation

A large FE coll[illegible] over 1,[illegible] students, thirds of whom [illegible] or ethnic minority [illegible]. It was a commit[illegible] activating the [illegible] policy in line with [illegible] strategic plan.

Short and long [illegible] and desired outc[illegible] regularly reviewed over a two year period and a consultant assisted college [illegible] to:

- develop departmental/divisional action plans for the academic year, based on negotiations with staff and students
- review the outcomes on a regular (annual) basis
- agree ways of monitoring and evaluating implementation
- identify any necessary staff development

The need for this work was evident from varied staff awareness of race and other equalities issues.

The outcome was an 'empowerment' model which gave managers the time and space to focus on key issues, develop realistic departmental objectives and articulate what had helped or hindered their achievement.

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9 Governance

Governors effectively oversee the college's strategic direction, regularly monitor the college's and their own performance, and secure the appointment, appraisal and development of senior staff.

[FEFC, 9a]

Arrangements for assuring the quality of the college's provision, including self-assessment

Processes and actions to inform the strategic planning process

Instruments of governance

Membership of the governing body

Clerking arrangements

Attendance records

The structure and work of governing body committees

Governing body papers and minutes

Code of conduct and register of interests

Financial memoranda

Observation of governing body meetings

Views of governors and staff

Communication with staff and students

Arrangements for the appointment, appraisal and development of senior staff

Annual progress reports

The governors get annual progress reports and discuss the college's EO Action Plan before endorsing it for the coming year. In 1997, they increased the childcare allowance by £10,000 per annum after hearing that demands had exceeded current provision levels.

EO management group

An EO management group chaired by the principal with representatives from each department and service meets twice termly to share good practice, monitor targets and review progress. An external advisory group meets twice yearly. Both report to the academic board and governors.

Key questions

Does the college governing body include representatives from targeted/ under-represented groups?

What commitment do governors make to their own training and development in equalities issues?

Have governors been made aware of the FEFC's expectations of them with regard to equality of opportunity in education and employment?*

What training do governors receive on the implications of statutory requirements and their legal duties with regard to the anti-discriminatory legislation, as outlined in Section 8?

What steps do governors take to ensure that the college is complying with the anti-discriminatory legislation relating to both educational and employment matters?

Have governors encouraged the college to take advantage of the positive action aspects of the legislation?

Have governors ensured that commitment to equal opportunities is a prominent feature of the college's mission, charter and strategic plan and that this commitment is acted upon?

- Have governors endorsed the college's EO policy?
- Are governors represented on the cross-college EO committee?
- Are governors fully involved in monitoring and reviewing progress on the implementation of the college's EO policy and targets?
- Are regular reports are made to governors on the implementation of the college's EO policy?
- How well do these reports brief them on the college's achievement of equality targets and the results of ethnic/gender/ other relevant cross-college monitoring?
- Do these reports incorporate feedback from relevant external organisations, including those representing targeted/ under-represented groups?
- What role do governors play in ensuring that the appointment, appraisal and development of senior managers is informed by EO principles and good EO practice?

Please add any other questions that are appropriate to your college/institution.

* See Chapter 17 of the FEFC *Guide for College Governors* and the DfEE's *Charter for Further Education* and Chapter 8 of this manual

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8 Legal framework

The college governing body is responsible for ensuring that no unlawful discrimination on grounds of race, sex or disability occurs in the college.

The governing body should note that an employer is liable for any discriminatory act by an employee in the course of his or her employment. The fact that a discriminatory act was done without the employer's knowledge or consent provides no defence in law, unless the employer can show that all reasonably practicable steps were taken to prevent such discrimination – for example, through staff training, briefings, codes of conduct, guides on good practice and regular monitoring by ethnic group, gender and individual learning needs.

The Commission for Racial Equality and the Equal Opportunities Commission expect college governing bodies to:

- take responsibility for promoting equal opportunities
- ensure that college procedures, policies and actions comply with the Race Relations Act, the Sex Discrimination Act and the Disability Discrimination Act, and are not unlawfully discriminatory
- take positive action, where necessary, to redress any unjustified disparities by ethnic group or gender in the fields of education and employment.

The government also requires colleges to:

- publish disability statements containing information about facilities for people with disabilities

The CRE and the EOC can investigate allegations of race and sex discrimination and publish their findings. They can also assist individuals to bring complaints of discrimination before a county court (or sheriff court in Scotland). Employment complaints are heard in Industrial Tribunals. Both Commissions also promote good equal opportunities practice, and seek to work in partnership with a wide range of agencies in fulfilling their duties.

The National Disability Council currently has an advisory role, although this is under review. Unlike the two Commissions, it does not have the power to enforce legislation and cannot investigate individual complaints of discrimination against people with disabilities.

Advice is available from both the EOC and CRE on measures to prevent race and sex discrimination. Both Commissions have published detailed codes of practice for employers:

- *Code of Practice for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment* (CRE)
- *Guidelines for equal opportunities Employers: Code of practice for the elimination of discrimination on the grounds of sex and marriage and the promotion of equality and opportunity in employment* (EOC)

These codes have statutory force, which means that failure to follow their recommendations can be cited as evidence in a case of discrimination brought against an employer. The CRE has also published a Code of Practice for education. The CRE's legal powers are set out in *Enforcing the Race Relations Act*.

Detailed advice on the current and future implications of the new Disability Discrimination Action for education providers is available from Skill (see list of addresses, Appendix 2).

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Relevant provisions of the Sex Discrimination Act and the Race Relations Act

Colleges in the further education sector are brought under the Sex Discrimination Act 1975 (SDA) and the Race Relations Act 1976 (RRA) by paragraphs 75 to 88 of schedule 8 to the Further and Higher Education Act 1992. The Acts define three main types of discrimination:

- Direct discrimination occurs when a person is treated less favourably than others on grounds of sex or race. The Race Relations Act defines 'racial grounds' as race, colour or nationality (including citizenship), and ethnic or national origins (RRA s1(1)(a); SDA 1(a)(1).
- Indirect discrimination occurs when a rule or condition or requirement which applies equally to everyone has a disproportionately adverse effect on people from a particular racial group, or either sex, and there is no objective justification for the rule (RRA s1(1)(b), s28; SDA s1(b)(1), s37).
- Victimisation occurs when a person is discriminated against for taking action under the Race Relations Act or the Sex Discrimination Act, or for supporting such action by another (RRA s2; SDA s4(1)).

Instructions or pressure to discriminate

Both Acts make it unlawful to bring pressure on a person, or to instruct them, to discriminate on grounds of sex or race; or to aid another to discriminate unlawfully (RRA s30, s31, s33; SDA s39, s40, s42). Vicarious liability also covers the acts of agents (RRA s32; SDA s41).

Discriminatory advertisements

It is unlawful under both Acts to publish an advertisement that is discriminatory on grounds of race, or seen to be discriminatory (RRA s29; SDA s38).

Discrimination in education provision

It is unlawful under both Acts to discriminate:

- in recruiting students or providing access to benefits, facilities and services (RRA s17; SDA s22)
- in providing vocational training (RRA s13; SDA s14)
- in conferring vocational or professional qualifications (RRA s12; SDA s13).

Positive action

It is lawful under both Acts to provide training and special encouragement for people of a particular racial group, or either sex, who have been under-represented in certain occupations or grades during the previous 12 months (RRA s37, s38; SDA s47). It is also lawful to address any special educational, training or welfare needs identified for a specific racial group (RRA s35) and to provide training and special encouragement for returners to the labour market after a period of time discharging domestic or family responsibilities (SDA s47(3)).

Other discrimination

Colleges must comply with those parts of both Acts that relate to discrimination in employment. They must also observe the general prohibitions against discrimination in access or 'indirect access' to goods, facilities and services they provide (RRA s20, s40; SDA s29, s50). 'Indirect access' would apply to the actions of agents providing services as contractors or franchisees.

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It should be noted that any employee, regardless of length of service, and any student, regardless of part-/ full-time status or length of time spent enrolled on a course, is entitled to make a claim under the SDA and the RRA.

Relevant provisions of the Disability Discrimination Act

Under section 4 of the Further and Higher Education Act (1992), the FEFC is required to have regard to the requirements of people having learning difficulties in the context of carrying out the Council's more general duties to provide full-time and part-time education.

The Disability Discrimination Act (1995) amended the FHE Act 1992 to make it a condition of financial support by the Council that colleges publish disability statements (see below).

The DfEE also sent out guidance to colleges in September 1996 and a circular 12/97 on LEA adult education disability statements.

Under the DDA, discrimination occurs when:

- a person with disabilities is treated less favourably than someone else and
- the treatment is for a reason relating to the person's disability and
- this treatment cannot be justified.

The Act defines disability as 'a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities'. 'Long-term' is defined as 'lasting, or being likely to last', at least 12 months. Those covered by the Act include people whose mobility, manual dexterity, speech, hearing, eyesight, memory or ability to concentrate, learn or understand, are affected. People with learning disabilities or long-term mental illness and people who once had a disability but no longer have one are also included within this definition.

All educational establishments must comply with the Disability Discrimination Act in respect of employees, although at present it does not apply to students. Colleges may also have responsibility under Part 3 of the Act relating to the use of their premises for social purposes or the provision of non-educational services.

Disability statements

The Act places a new duty on the FEFCs in England and Wales to:

- require, as a condition of financial support, that further education colleges publish disability statements, giving information about their facilities for people with disabilities
- report to the Government on their progress and future plans for providing further education to students with disabilities.

In England and Wales, the content of these statements is governed by the Education (Disability Statements for Further Education Institutions) Regulations 1996. These prescribe both the timing of their publication (annually, by 1st October) and the information to be contained in disability statements, which includes:

- **Overall policy:** the college's policy towards students with disabilities and the names of people responsible for it
- **Admission arrangements:** any special admissions arrangements for applicants with disabilities, enabling them to find out more about the application process and how their needs will be met
- **Educational facilities and support arrangements:** any specialist facilities or resources for students with disabilities including academic and curriculum support, specialist staff, and any specialist equipment that is available – for example, adapted toilet facilities or telephones/ teaching rooms fitted with hearing loops

- **Complaints and appeals procedures:** the college's complaints procedure and how students with disabilities can make use of it
- **Counselling/welfare support:** any specialist counsellors or welfare staff available and how students with disabilities can access them
- **Access:** information on how students with disabilities can physically access buildings, services and other facilities.

See the DfEE *Charter for Further Education 1997 Update* published 7.11.97 for a summary of requirements upon colleges to produce annual disability discrimination statements and their contents.

Other legislative equal opportunities considerations

Harassment

Harassment occurs when a person is subjected to unwelcome or inappropriate behaviour that undermines, demeans, offends, insults or injures them; creates an unpleasant working or learning environment; and/or threatens their job security, promotion prospects or the outcomes of their studies. It usually stems from assumptions about a person's difference, and is most likely to affect minorities or those who lack power within the organisation.

Although neither racial nor sexual harassment is explicitly mentioned in English law, case law has determined that racial and sexual harassment are forms of unlawful discrimination and may be challenged in the courts under the RRA and SDA (see Appendix 1). Employees may be entitled to take legal action for these and other forms of harassment using existing employment or health and safety legislation.

Employment Rights Act (1996)

Employees who have worked for the same employer for at least two years, whether full-time or part-time, who consider themselves to have been unfairly dismissed, may be able to make a claim under the Employment Rights Act 1996 (ERA). This includes employees who feel they have been forced to leave a job because of the conduct of the employer (constructive dismissal).

A complaint of unfair dismissal can accompany a complaint under the SDA or RRA if the dismissal occurred because the employee, for example

- refused to comply with sexual demands/ was subjected to racial harassment
- made a complaint regarding sexual/ racial harassment
- responded to sexual/ racial harassment by hitting the harasser
- took time off work due to illness/ stress caused by the harassment.

An employee has the right to terminate their employment without notice under contract law if, because of the employer's conduct, they consider themselves to have been constructively dismissed.

If an employer harasses an employee, or knows of their harassment and fails to take reasonable steps to stop it or prevent its recurrence, the employee may be entitled to treat this as a breach of the implied contractual terms of trust and confidence. In the event of a serious breach, the employee is entitled to resign and claim constructive dismissal.

Employees who believe themselves to have been harassed due, for example, to their age, marital status, religious conviction or because they are gay or lesbian, may also be entitled to claim unfair or constructive dismissal under the ERA. However, this is not an appropriate course of action for students.

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Health, Safety and Welfare at Work Act (1974)

According to this Act, all employers have a duty so far as is 'reasonably practicable' to ensure the health, safety and welfare of their employees. Harassment at work is increasingly recognised as a serious health hazard because of the stress it can cause. An employee who is under stress is less effective and more likely to act erratically or carelessly, putting themselves and others at risk.

If an employer fails to respond to complaints about harassment and the complainant's health and ability to work suffer as a result, like any other health and safety issue, employees are entitled to pursue this through internal procedures, the relevant statutory enforcement bodies or the civil courts.

Employees who believe themselves to have been harassed due, for example, to their age, marital status, religious conviction or because they are gay or lesbian, may also choose to pursue their complaint citing the Health, Safety and Welfare at Work Act. However, this is not an appropriate course of action for students.

European Human Rights legislation

The Council of Europe, in its Declaration and Code of Practice (1991) recognises sexual harassment as a form of sex discrimination and has encouraged its members to develop policies 'to prevent and combat sexual harassment at work'. It defines sexual harassment as 'unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of men and women at work'. The Code and Recommendations supplement Article 119, which gives both women and men the right to equal treatment at work. The European Convention on Human Rights Bill currently before Parliament will, when passed, afford employees further rights.

Case law

Pressure to discriminate

The importance of ensuring that employers offering work experience placements operate within the spirit of college EO policy and comply with existing anti-discrimination legislation, was highlighted in July 1987. The CRE successfully brought proceedings against British Electrical Repairs (BER) in the Westminster County Court on the grounds of applying pressure to discriminate.

This was the first case to involve school pupils seeking work experience placements as part of the Certificate of Pre-Vocational Education (CPVE). When Selhurst High School contacted the manager of BER, he agreed to placements for two pupils at the factory to gain work experience and invited the teacher responsible to visit the factory to finalise arrangements. When it emerged that the two boys were of black Caribbean origin, the manager said that the workforce would not accept them and that it would not be a good idea to proceed. The incident was referred by the LEA to the CRE. When the case came to court, a declaration was granted that a contravention of the Act had occurred, under section 331 and the defendants were ordered to pay costs. It should be noted that it would be unlawful for a college to yield to such pressure, whatever the motive.

Racial discrimination

Nearly 200 complaints by ethnic minority staff and students were received by the CRE between 1992 and 1995. They included complaints about assessment, the student-tutor relationship, placement in outside organisations as part of the course and complaints of racial harassment. Some relevant cases are summarised on the next page.

Indirect racial discrimination – dress

In Mandla v. Dowell Lree (1983) the House of Lords ruled that a refusal by a school to admit a Sikh boy because he insisted on wearing a turban constituted indirect racial discrimination under section 17 of the RRA because it would have been contrary to the custom and practice of his racial group to do so. The requirement could not be justified on objective grounds.

Discrimination – religious festivals

In J.H.Walker v. Hussain, an Employment Appeals Tribunal (EAT) ruled that an employer who operated a rule that no employee could take leave during the busiest period over the summer had discriminated against 17 Muslim Asian workers who had requested the day off to celebrate Eid. They had offered to make up the time by working overtime. The EAT held that they had been unjustifiably and therefore unlawfully discriminated against on racial grounds.

Although religious discrimination is not unlawful per se, both these cases illustrate how religion may be relevant in identifying discrimination on racial grounds and may therefore be challenged under the RRA.

Discrimination – student recruitment and assessment

A CRE formal investigation into medical school admissions in 1988 found that St George's medical school had directly discriminated on racial grounds contrary to section 1(1)(a) and 17(b) of the RRA. A computer programme designed to mimic the judgement of selectors had given negative weightings to 'non-Caucasian' applicants being considered for interview, resulting in its refusal or deliberate omission to accept applications from non-white students. The School subsequently made a number of undertakings, agreeing to monitor its admissions and assessment procedures by ethnic origin and gender and to provide training and guidance for staff involved in the selection of students.

Race and sex discrimination

The case of Ms Arora v. City of Bradford Metropolitan Council [1991; ICR 226, IRLR 165] provides an example of both race and sex discrimination. Ms Arora, head of a department of multicultural education at Bradford and Ilkley College, applied for the post of Head of Teaching Studies. She was short-listed for a preliminary interview but not for the final interview, and hence was not appointed.

The Industrial Tribunal found that the respondent had discriminated against Ms Arora on the grounds of both race and sex It awarded £2000 for injury to feelings (including aggravated damages) and a further £1000 exemplary damages for the insulting manner in which she was treated both at the interview and afterwards.

On appeal, the Employment Appeals Tribunal set aside the award of exemplary damages. It was then referred to the Court of Appeal who considered that cases where exemplary damages would be justified would be rare. Before awarding such damages, tribunals should first consider whether an award of compensatory damages, coupled with aggravated damages, was sufficient to punish a defendant for outrageous behaviour. A tribunal must also consider whether the conduct falls within one of the special categories which included cases of oppressive, arbitrary or unconstitutional action by the servants of a government; and cases where a defendant with a cynical disregard for a plaintiff's rights has calculated that the money to be made out of his wrongdoing would probably exceed the damages at risk.

In this particular case, the Court of Appeal found that there was evidence entitling the Industrial Tribunal to make an award of exemplary damages. The appeal was allowed and the decision of the Industrial Tribunal was restored.

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Sex discrimination – equal pay

A recent decision of the Scottish Court of Session sounds a warning note for colleges that have restructured their pay scales to include lower paid categories of teaching staff such as 'instructors' or 'vocational trainers'. In Glasgow City Council v. Marshall & others (Court of Session, 21.10.97) eight 'instructors' (seven of whom were women) brought an equal pay claim based on the grounds that they carried out the same work as teachers employed in the schools but were paid considerably less.

Although the claim was rejected because the employer was able to establish that the difference in pay scales was due to a genuine material factor not related to sex, the case could have serious implications because of the finding by the Industrial Tribunal that the instructors and the teachers were employed on 'like work'. Colleges must therefore ensure that there are objectively justifiable reasons for paying lecturers more than 'instructors', such as a requirement for particular higher qualifications or to carry out additional duties, or they could find their pay scales under challenge.

Health and Safety at work

The decision in Walker v. Northumberland County Council (1995 1 All ER 737) extended the issue of health and safety at work to the employee's mental well-being. Previous cases had been concerned with physical injury only, but in this case an area social services officer who suffered two nervous breakdowns from the pressure of work and who was dismissed on grounds of permanent ill-health was successful in his action in the High Court. He claimed damages from his employer for failing to take reasonable steps to provide a safe system at work and thus avoid exposing him to a health-endangering workload.

The court recognised that an employer has a duty to its employees under the general law to deter any obvious threat to their physical and mental welfare. An employer also has a duty under the Health and Safety at Work Act (1974) to ensure the health, safety and welfare at work of all its employees where it is reasonably practicable to do so. The duty concerned occurs where the risks to an employee are reasonably foreseeable. Mr Walker eventually received damages of £175,000.

This decision underscores the importance of considering the risks to an employee's mental as well as physical well-being and reviewing workloads and practices that could be detrimental to an employee's health.

Disability discrimination

Although there have been no reported cases of successful claims under the DDA by employees in the education sector to date, employees in the private sector have been successful in using the act to challenge discrimination. In Tarling v. Wisdom Toothbrushes Ltd [ROIT 1500148/97] a tribunal found that a disabled employee had been unfairly discriminated against when she was dismissed for poor performance, because the employer had failed to purchase a special chair costing £200 that would have enabled her to better perform her duties. The tribunal felt that the purchase of the chair was a 'reasonable adjustment' which the employer could have been expected to make and awarded the employee £1,200 for injury to feelings.

In another case, an employee who was dismissed after a period of sick leave when he was diagnosed as having multiple sclerosis was successful in his claim under the DDA. The tribunal in Samuels -v- Wesleyan Assurance Society [ROIT 2100703/97] found that his dismissal was not justified and the employer should have accepted a doctor's report stating that there was no major obstacle to prevent Mr Samuels returning from work on a 'try and see' basis.

The National Advisory Council on Employment of People with Disabilities (NACEPD) is currently responsible for advising the Government on all issues related to the employment and training of people with disabilities. Different arrangements apply in Northern Ireland, although the Northern Ireland Disability Council has a similar role.

Age discrimination

The recent case of the Secretary of State for Scotland v. Taylor [1997] IRLR 609 suggests that equal opportunities policies may extend discrimination rights to include, for example, discrimination on the grounds of age or religion. Mr Taylor claimed that his employers had breached his contract of employment in that:

their equal opportunities policy claimed to offer equal opportunities to all staff, regardless of gender, race, religion, sexual preference, disability or age

- the policy was incorporated into his contract of employment
- changes to the employers' redundancy policy under which the normal retiring age was set at 55 to achieve a younger workforce amounted to age discrimination contrary to the policy and therefore contrary to his contract of employment.

The Employment Appeal Tribunal held that:

- The equal opportunities policy was part of Mr Taylor's contract of employment and therefore conferred contractual protection on him.
  However the parties could not reasonably have intended that the implementation of a retirement policy which was based on age alone could be discrimination contrary to the policy, because age and retirement are inextricably intertwined.
- Protection with respect to age discrimination subsisted in the contract only so long as Mr Taylor was under retiring age.
  This judgement means that it would be open to an employee covered by a similar policy to challenge, for example, a failure to obtain promotion because it was based on age. It is therefore important for colleges to be aware that they might be bound by the terms of their equal opportunities policies, even though there is no specific legislation in the area of age discrimination at present.

Sex discrimination – transsexuals

The landmark case of P v. S and Cornwall County Council [1996] IRLR 347 shows how the courts are willing to extend protection afforded by the SDA to transsexuals. P was employed as a general manager in a further education establishment then managed by the County Council, and S was the head of the establishment. Biologically a male, P informed S that she proposed to undergo gender reassignment treatment. After going for initial treatment she was dismissed by the Council.

P complained that she had been discriminated against on the grounds of sex. An Industrial Tribunal held that the reason for the dismissal was the gender reassignment. However it is believed that the SDA did not apply since, 'within the provisions of the domestic legislation, woman means a female and man means a male'. The Tribunal therefore referred to the European Court of Justice the question of whether the dismissal of a transsexual for a reason related to gender reassignment constitutes a breach of the Equal Treatment Directive; and whether discrimination on grounds of sex prohibits treatment of an employee on the grounds of the employee's transsexual state.

The court reasoned:

- The Directive was the expression of a fundamental principle of European Union law, that of equality.
- The Directive therefore applied to discrimination based essentially on the sex of the person concerned.
- To discriminate on gender reassignment of the person concerned means that he or she is treated unfavourably by comparison with persons of the sex to which she or she was deemed to belong before undergoing the reassignment.
- To tolerate such discrimination would be tantamount to failure to respect the dignity and freedom to which that person is entitled.

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The European Court therefore decided that the dismissal of a transsexual for a reason related to their gender reassignment must be regarded as contrary to the Directive. The Court ruled that Directive 76/207 (the Equal Treatment Directive) precludes the dismissal of a transsexual for a reason related to 'gender re-assignment'.

Two subsequent Industrial Tribunal decisions have found that gender re-assignment is within the scope of the SDA. The Equal Treatment Directive 76/207 (ETD) applies to employment and vocational training, so complainants can argue that the ETD is directly applicable to these areas, even where the court may hold that there is no claim under the SDA.

The right of a transsexual to continue to study at a college was supported in a recent claim that was settled out of court. The complainant, a male-to-female transsexual who underwent treatment during her course, was not allowed to complete her practical counselling sessions in her new gender. The college insisted that she re-take part of the degree course and repeat counselling practicals in her new gender. The complainant claimed discrimination under the SDA and ETD. The college settled out of court with some financial recompense for the complainant.

To provide clarity on the rights of individuals, the EOC, in its consultation document on proposed legislative amendments to the SDA and Equal Pay Acts (EqPA), *Equality in the 21st Century: A New Approach* (EOC, Jan 1998) has recommended that the SDA, EqPA and other relevant laws should be replaced by a new statute. This would guarantee freedom from discrimination on the grounds of, for example, sex, pregnancy, marital or family status, gender re-assignment and sexual orientation. The grounds should not be exhaustive.

Non-legislative equal opportunities considerations

Despite the fact that only race, sex and certain acts of disability discrimination are currently illegal in the UK, most college equal opportunities policies acknowledge the many other groups who are potential or actual targets of discriminatory attitudes and practices. *How to Widen Participation: A Guide to Good Practice* (FEFC, 1997) identifies a number of groups that are currently under-represented within further education. They include:

- people without qualifications
- unemployed people
- some groups of women, such as those in low-income groups and those who are lone parents
- some groups of men, including white men in low-income groups
- some minority ethnic groups including refugees
- those over 50 years old
- people with literacy and/or numeracy difficulties
- people with learning difficulties and/or disabilities
- adults with mental illness
- young people with emotional and behavioural difficulties
- ex-offenders
- part-time and temporary workers
- unskilled manual workers.

There is an important distinction to be made between a college's ability to increase student numbers and its commitment actively to increase participation, course completion and achievement by all sections of the community. An effective equal opportunities policy should take account of the discrimination faced by all under-represented groups and make an active commitment to dismantling the barriers that can discourage their participation and inclusion.

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Age

Age discrimination involves judging an individual's abilities or worth on the basis of their chronological age. Assumptions may be made about the capacity of older staff to learn new skills or adapt to new ways of working, for example, affecting their recruitment and promotion prospects; or about younger students' attitudes to learning, resulting in inappropriate guidance.

Although age discrimination does not, in itself, constitute a form of unlawful discrimination, it has been found in the courts to constitute a form of unlawful indirect sex discrimination. For example, an upper age limit of 28 for a post was deemed to have indirectly discriminated against women because it precluded a significant number of women who were engaged in bringing up children (Price v. Civil Service Commission, 1978; ICR 27, IRLR 3).

College equal opportunities policies should, therefore, include a commitment not to discriminate on the grounds of age. The Government is currently considering introducing a voluntary Code of Practice in this area and people over 50 are among the under-represented groups identified in *How to Widen Participation*. It is recommended that colleges include age as a monitoring category for measuring participation, as well as ensuring that recruitment procedures, learning opportunities, publicity materials and other services and facilities do not reinforce ageist assumptions or stereotypes.

Asylum-seekers

Asylum-seekers and refugees face a number of barriers that can hinder their access to learning opportunities. They have no legal entitlement to English language provision and no automatic entitlement to concessionary fees under FEFC terms. Despite the fact that they are likely to need ESOL classes, those in receipt of means-tested benefits are currently restricted, like other unemployed people, to no more than 16 hours of guided learning per week, although this is likely to change with the introduction of the New Deal (see Class/social status). They may also face particular difficulties when required to produce documented evidence of prior qualifications or job experience. Some may need specialist support to help them cope with past trauma or to address particular housing, financial or domestic needs.

Mandatory awards: From September 1997, government regulations limit eligibility for educational mandatory awards to those who are'ordinarily resident' and 'settled in the UK under the terms of the 1971 Immigration Act'. This does not affect those with formal refugee status who have 'exceptional leave to remain'. However, it does affect asylum-seekers who by definition cannot achieve settled status while waiting for a determination of their asylum application.

Home student status for fees: Since September 1995, colleges offering 100% concessionary fees to asylum-seekers on state benefit have been able to treat them as Home Students and claim FEFC funding for those on ESOL provision and other schedule 2 provision. From May 1996, this entitlement was restricted to asylum-seekers on 'means-tested benefit' although this category was later extended to include those in receipt of National or Childrens' Act Assistance from their Local Authority. These provisions exclude asylum-seekers who are not entitled to receive state benefits following the 1996 Asylum and Immigration Act, such as those seeking shelter with friends or relatives and those on low income, meaning that some asylum-seekers will continue to be treated as overseas students for fees and FEFC-funding purposes.

The regulations governing benefits and overseas status are complex, making it difficult to ascertain why some students are entitled to home student status while others are treated as overseas students. The Refugee Council (see Address list, Appendix 2) publishes regular briefing papers and colleges are advised to keep abreast of legislative changes in this area.

FEFCW funding methodology does not include a fee remission reimbursement element; it is a matter for individual institutions to determine for whom fees and fee remission should apply; revised guidance/definitions for asylum-seekers' status vis a vis home/EC students are being considered currently.

Charter for Further Education

The DfEE's *Charter for Further Education* (CFE) sets out what students, employers and local communities can expect of colleges and identifies the rights of students in all key areas of provision, including recourse to a formal complaints procedure. In particular, the CFE highlights the legal entitlement of students to equal treatment, regardless of their sex or ethnic background, and their right to be treated fairly and equally regardless of marital status, learning difficulties or disabilities. Students also have 'the right to expect colleges to explain what they are doing to foster equal opportunities' including their progress in encouraging participation by under-represented and disadvantaged groups in the community. The CFE requires all colleges to publish their own charters and disability statement, and to ensure that free and accurate information is available to all students, including those from overseas. Colleges must also ensure that students with learning difficulties or disabilities are provided with additional support, such as extra staff or special equipment, arrangements for access to buildings and an identified contact person.

Class/social status

Unemployed people and people in low-income groups are under-represented in colleges and may require special measures or targeted provision to encourage access and participation. Following amendments to the FEFC's funding methodology, an 8% 'uplift factor' now provides colleges with extra funding for students enrolling from localities, identified by post-code, where there is a high level of social deprivation. This is in line with the recommendations of the Widening Participation committee.

Studying while claiming benefits: Under the Jobseekers' Allowance (JSA), claimants have been able study for up to 16 hours of 'guided learning' a week while claiming benefits. However, they are required to demonstrate that they are available for work, taking positive steps to look for work while studying and willing to rearrange their course to take a job during the hours when they should be available for work.

Under its Welfare to Work programme, the Government's New Deal for Young People, which comes into effect from April 1998, introduces an 'educational option'. The scheme has been operating in 12 pathfinder areas since January 1998. Entrants to the New Deal, which is a compulsory programme, are assigned a Personal Adviser from the Employment Services and initially enter a 'Gateway' stage that can last up to four months. After the Gateway stage, if they have not found an unsubsidised job, one of four options will be offered:

- employment with a wage subsidy
- Environment Task Force work, paid 'benefit plus'
- voluntary sector work, paid 'benefit plus' (All of the above options last at least six months, and include at least one day a week of training)
- full-time education or training for up to 12 months, for 30 hours a week, with JSA benefit and support for 'agreed' additional costs. The focus is on NVQ level 2 or equivalent, although programmes above level 2 will be supported 'where it meets an individual's needs and increases employability'.

The New Deal requires considerable changes to previous arrangements for unemployed students, including a switch to non-FEFC funding and programmes increasing from under 16 hours to 30 hours per week.

A similar New Deal for long-term unemployed adults aged 25 and over is due to come into effect in July 1998, offering up to 10,000 full-time education places by 'relaxing the 16-hour rule'. It remains unclear what educational options will be available to those with qualifications above level 2, or what role college guidance services will play in helping individual 'jobseekers' to determine their educational options.

Ex-offenders

Offenders (including people currently on probation) and ex-offenders are frequently subjected to discriminatory attitudes and assumptions and are among the under-represented groups identified in *How to Widen Participation*. Many college equal opportunities policies acknowledge this fact by declaring their commitment not to discriminate against people with prior convictions. Where colleges are responsible for managing prison education programmes, their EO policy may also need to reflect this.

Rehabilitation of Offenders Act (1974): The Rehabilitation of Offenders Act (1974) allows for certain criminal convictions to become 'spent' after a period of time determined by the length of the sentence received. However, certain jobs are exempted, including:

- teachers, youth workers, childminders and social workers
- police and probation officers
- people who work in the NHS or the medical professions, including nurses, dentists and chemists
- people who work in the legal professions, including lawyers and accountants
- people who work in jobs where national security may be at risk, including civil servants
- people who work in jobs providing accommodation, care, leisure and recreation services
- anyone whose work involves access to children, the elderly, the chronically sick, drug or alcohol dependants, or to people with a mental or physical disability.

This has implications for colleges both as employers and as providers of vocational training.

Where students are involved in practice or work experience placements involving access to children, for example, police checks are compulsory. Where relevant, the requirement to declare past convictions should be made clear to students in publicity materials and guidance interviews, and colleges should give an explicit undertaking to respect confidentiality.

Police checks: A 1986 amendment to the Rehabilitation of Offenders Act requires those with substantial access to young people to declare any criminal conviction, and recommends that newly appointed employees be subject to a police check. This is compulsory in schools but optional in FE. Police checks must be made with the permission of the applicant, although a refusal to give consent is grounds for non-appointment.

Language/ESOL

Students whose first language is not English are entitled to appropriate language support based on the needs of the local population, and may also need additional support in order to access other provisions and services. This should be reflected in the relevant college policies. Some colleges have developed language or learning support policies that specify how they intend to meet their commitment to this group of learners – for example, by requiring all courses to include a statement of the language skills necessary for its successful completion, or by undertaking to accredit all language support classes and provide clearly identified progression routes. Others include staff or students who may be discriminated against on the grounds of language as a specific category in their EO policy. The use of community languages in college publicity and regular monitoring of the progress of students receiving ESOL support is now common practice in many colleges. They are examples of a number of measures that can be taken to ensure that this group of learners has equality of access and outcomes.

People with HIV/AIDS

Despite the evidence that the Aids virus cannot be transmitted through normal social contact, people with HIV/ AIDS can face discrimination in education and employment based on ignorance, fear and misinformation.

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College equal opportunities policies should demonstrate a commitment to challenging such attitudes by promoting HIV/AIDS awareness among both staff and students and by not differentiating between HIV/AIDS and other medical conditions when making offers of work or study. Staff should be trained to adopt Health and Safety measures that minimise the risk of transmission, and to provide appropriate counselling and support.

Religion

Acts of worship: Under Sections 44 & 45 of the Further & Higher Education Act (1992), sixth form colleges that were under school regulations until 30th September 1992 are required to ensure that, at an appropriate time at least one day in each week, an 'act of collective worship' is held in the college which students may attend. This act of collective worship is required to be 'wholly or mainly of a broadly Christian character' but need not be distinctive of any particular Christian denomination. The exception is where the institution is of voluntary-aided origin, in which case the act of worship shall reflect the religious traditions and practices of the institution before it became a further education institution. Governing bodies of both types of sixth form college may, if they wish, provide for acts of worship which reflect the practices of some or all of the other religious traditions represented in Great Britain, in addition to the act of worship described above.

Religious education: Sixth form colleges that were under school regulations until 30th September 1992 are also required to provide religious education (RE) for all students who wish to receive it. A college governing body will be deemed to be performing this duty if RE is provided when it is convenient for the majority of full-time students to attend. It is for the governing body to determine the content of the RE provided which must, however, reflect the fact that 'the religious traditions of Great Britain are in the main Christian, while taking account of the teaching and practices of the other principal religions represented in Great Britain'. In the case of a sixth form college which previously had voluntary-aided status, such as a Roman Catholic sixth form college, the religious education must be taught in accordance with the trust deed affecting that institution.

Religious provision: Although discrimination on the grounds of religion is not illegal in the UK, some cases of racial discrimination where religion played a significant role have been successfully pursued under the Race Relations Act.

Given the diversity of staff and students' religious beliefs and practices, many colleges avoid discrimination by opting for a secular approach or one which gives equal consideration to the needs of Christians, Hindus, Jews, Muslims, Rastafarians, Sikhs and students practising other recognised religions. In this context, college equal opportunities policies should acknowledge the importance of religious tolerance, and institutions catering for religious minorities should take account of festivals, prayer, fasting and other religious obligations when planning the curriculum, student services and other facilities. A college's commitment to religious tolerance can be demonstrated by the provision of a prayer room or chapel, for example; by removing exclusive references to Christian festivals from college or student diaries; and, in the case of sixth form colleges, by ensuring that acts of worship reflect a number of religious traditions.

Returners are people who have been out of the labour market for a period of time discharging domestic or family responsibilities. They are recognised by the SDA as a category of people who are in special need of training because of this. The type of training that can be offered includes targeted provision, as well as recognising returners as a special category during selection for training courses (See EOC leaflet *Positive Action in Vocational Education & Training*). Returners may also need additional learning support such as study skills, childcare services or financial assistance.

Sexual orientation: transsexuality

Discrimination against lesbians and gay men is not illegal in the UK, although cases of discrimination on the grounds of sexual orientation have been successfully brought before the European Court of Human Rights. College equal opportunities policies should include a commitment to challenging homophobia and discrimination on the grounds of sexual orientation, and to creating an environment where lesbians and gay men, bisexuals and transsexuals can teach or learn without fear of harassment.

Students from overseas

Students from overseas pay higher fees yet, like asylum-seekers, they face discrimination on the grounds of their language, nationality, religion, immigration status or overseas qualifications. Many colleges recognise overseas students as a potentially significant source of income, and provide specialist advice, guidance and support services to meet their needs. These measures, along with the development of appropriate quality standards, should be seen as essential EO considerations by colleges with overseas students.

Multiple discrimination

It is important to remember that, while there are clear and specific examples of different kinds of discrimination outlined in this section, FE students and staff are not one-dimensional individuals and may therefore be vulnerable to more than one kind of discrimination or harassment. Colleges should aim to reflect this in their EO policies, ensuring that monitoring categories, college publicity and curriculum resources reflect the complexity and diversity of the many different individuals who make up the college community.

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Appendix 1: Practical guidance on dealing with racial and sexual harassment

Racial and sexual harassment is an issue that colleges are required by law to address firmly and consistently, since failure to act against harassment can constitute unlawful discrimination. The Charter for Further Education requires colleges to publish its arrangements for dealing with all formal complaints in the college charter, and to ensure that student grievance procedures are:

- clear and effective
- dealt with fairly and quickly
- provide for an initial response within 10 working days
- set out the reasons if a complaint is rejected.

Parallel procedures for handling staff grievances should also be in place.

Definitions of harassment

The CRE defines racial harassment as:

Violence which may be verbal or physical and which includes attacks on property as well as on the person, suffered by individuals or groups because of their colour, race, nationality and ethnic or national origins, when the victim believes that the perpetrator was acting on racial grounds and/or there is evidence of racism

The European Commission's Recommendations and Code of Practice on the protection of the dignity of women and men at work defines sexual harassment as:

Unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work. This can include unwelcome physical, verbal or non-verbal conduct.

Harassment may occur between students, between staff, from students to staff, or staff to students. In all cases it is profoundly hurtful, disruptive, and not conducive to effective learning.

In line with current Employment law, NATFHE (the National Association of Teachers in Further and Higher Education) has adopted a broader definition which takes account of age, physical or mental ability or disability, sexual orientation, religious or political beliefs, Trade Union activities, class, status as ex-offenders, real or suspected infection with HIV/AIDs, marital status, size or personal appearance:

Harassment can be defined as inappropriate, offensive and demeaning behaviour which is unwanted by the recipient, causes insult or injury, creates an unpleasant working environment and may threaten a person's job security or promotion prospects.

Racial harassment

In 1994, an industrial tribunal ruled in favour of Stanley Jenkins, a college lecturer. Following the judgement, a letter was sent by Herman Ouseley, the Chair of the CRE, to all college principals which set out the CRE's recommendations to colleges on how to deal with racial harassment and reiterated its commitment to protecting potential victims:

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...I know you will agree with me that racial harassment is unacceptable behaviour in any circumstances, and perhaps especially in an educational establishment. The Commission is determined to use all its powers to ensure that potential victims of racial harassment, whatever their ethnic group, are fully protected from this behaviour.

The case: Stanley Jenkins (Lecturer) v. Thanet Technical College

Mr Jenkins, a full-time lecturer at Thanet College since 1979, is of Asian origin, and was born in Zimbabwe. In three tribunal applications he alleged that:

- He had been exposed to eight years of racial abuse and discrimination compounded by the failure of college management to take action.
- He had been victimised by having his teaching hours cut, and by the failure of college management to stop him being racially abused by students.
- He had been further victimised by the requirement to undertake teacher training and the threat of disciplinary action if he refused.

Mr Jenkins' main allegations were upheld.

The tribunal found that:

- He had been the victim of racist name calling ('sambo', 'nigger', 'kaffir') on many separate occasions, each reported to college management, but the employers did not approach the complaints with an open mind and fair attitude.
- There had been a tendency to disbelieve Mr Jenkins' allegations, leading to suggestions that he had misheard the racist taunts directed at him, or misunderstood them due to alleged difficulty in understanding English.
- This habitual treatment of Mr Jenkins as unreliable in his command of English, and unable to appreciate what was said to him by students, was irrational and unwarranted. It was racial prejudice.
- Rather than acting on Mr Jenkins' complaints, the college acted in a way that could be construed as supporting the unfounded allegations of his harassers regarding his inability to teach and to communicate clearly.
- The college failed to take formal disciplinary steps against the student who had been persistent in abusing Mr Jenkins.
- The college's response to his complaints was to force him, under threat of disciplinary proceedings, to take a cut in teaching hours in order to undergo training. For him to be subject to these measures at a time when he had started proceedings against the college, and when hearings were pending, was victimisation.

Commission for Racial Equality recommendations

1. All colleges should adopt an equal opportunities policy to cover employment and service delivery... The Commission's Codes of Practice for education and employment and our publication Racial Discrimination and Grievance Procedures provide essential guidance.
2. That policy should contain clear guidance on the unacceptability of racial harassment, and its inclusion in student and staff disciplinary codes, a description of the disciplinary penalties for racial harassment, and a method of recording and analysing all complaints of racial harassment and their resolution.
3. The case of Mr Jenkins was one of racial harassment of a lecturer by students. Policies and disciplinary codes should also cover the possibility of harassment of students by staff, of staff by other staff, and by students of other students. All are equally unacceptable.
4. All complaints of racial harassment should be taken seriously and acted on fairly. To act in a way which makes the complainant the primary subject of investigation and action is unacceptable.
5. The recommendations contained in the CRE's Racial Discrimination and Grievance Procedures should be discussed by senior management, and incorporated into the relevant personnel, disciplinary and grievance procedures.

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6. It is advisable and desirable that the development of policies and procedures for dealing with racial harassment is undertaken in partnership with staff and student unions/representatives.
7. A programme of training for all relevant staff in how to respond to racial harassment should be undertaken.
8. Colleges should ensure that allegations of under-performance of any sort are not confused with, or used in any way to justify either racial harassment itself, or the failure to respond to it decisively. No lecturer, manager or student has to tolerate being racially harassed whatever other issues may be alleged to be present, or actually present.

Even if your college, like Thanet College, has hardly any students or staff from ethnic minorities, the law still applies and the issue, as this case shows, can arise. We recommend strongly that all colleges adopt the recommendations above to ensure their compliance with the law.

Herman Ouseley 28 March 1994

More recent cases demonstrate the need for employers not only to have an EO policy but also to be vigilant as to the circumstances over which they have control, in which their employees may suffer harassment, contrary to the Act, at the hands of a third party.

Harassment by a third party

The wide ambit of s.4(2) is demonstrated by the Employment Appeals Tribunal's decision in Burton and Rhule v. De Vere Hotels (1996) IRLR 596. The employees in this case were black waitresses employed at a hotel in Derby where the local Round Table was to hold a dinner at which Bernard Manning was to be the Speaker. By his own admission the manager knew that Mr Manning was a 'blue' comedian, likely to make sexually explicit jokes. He delegated responsibility to two assistant managers who supervised the service of food and wine at the dinner. The two waitresses, working in the banqueting hall, were present when Mr Manning was speaking.

He made jokes about the sexual organs of black men and their sexual abilities, using words such as 'wog', 'nigger', and 'sambo'. Spotting the waitress, he remarked 'very nice, that's how I like my cocoa'. Although upset and offended, the waitresses continued to work. One of the guests then spoke to Miss Rhule in a sexually and racially offensive manner, while another tried to put his arms round Miss Burton and made equally offensive remarks to her. An assistant manager witnessed the incident and brought it to an end, apologising to the waitresses for what had happened.

On receipt of their complaint the manager wrote them a letter of apology but they were dissatisfied and brought complaints under the RRA. The industrial tribunal found that the applicants had suffered a 'detriment' within the meaning of the Act but that it was not the respondent who had subjected them to it. However, on appeal the EAT found in their favour, holding that an employer subjects an employee to the detriment of racial harassment if he causes or permits harassment serious enough to amount to a detriment to occur in circumstances in which he could control whether it happens or not. The word 'subjecting' in s.4(2) connotes 'control'. Foresight of the events, or the lack of it, is not determinative of whether the events were under the employer's control. Where the actual harasser is a third party and not a servant or agent of the employer for whose actions the employer would be vicariously liable, the tribunal should ask itself, in its capacity as an industrial jury, whether the event in question was something which was sufficiently under the control of the employer that he could, by the application of good employment practice, have prevented the harassment or reduced the extent of it. If the tribunal so finds, then the employer has subjected the employee to the harassment. On the facts in this case, the hotel was liable. It was found that the assistant managers could and should have ensured that the witnesses withdrew from the banqueting hall at a much earlier stage. The EAT also noted that the motivation for the employers' actions (or inaction, in this case) did not have to be proven by the employee who had suffered racial harassment in such circumstances.

Sexual harassment/transsexuals [illegible] Ltd v. R (EAT 27.6.97

R was biologically a male and worked as a technician for C Ltd. After declaring that she was changing her gender identity from male to female, a small minority of R's male colleagues subjected her to a prolonged campaign of harassment and ostracism. Although R's managers knew of the campaign, nothing was done to prevent it or protect her, and no disciplinary action was taken against those responsible for the campaign. After going off sick, R was dismissed on the grounds of incapability. R complained of sex discrimination and the Tribunal found that the employer's failure to act on their knowledge of the campaign of harassment against R constituted a detriment within the meaning of the SDA. C Ltd appealed.

The Employment Appeal Tribunal found that:

- There was no clear language in the Act to exclude a transsexual from its protection
- The Act could be interpreted in line with the ruling R v. S and Cornwall County Council and could therefore apply to treating someone less favourably on the grounds of declared intention to undergo gender reassignment as this was a sex-based act and there was no need for a male/female comparison to be made.
- C Ltd were aware of the campaign of harassment against R and they took no steps to prevent it, although it was something over which they could exercise control since it was their employees who were the harassers.

The Tribunal therefore held that the Act did apply to the circumstances and that C Ltd were directly liable for the harassment.

Sexual harassment – Ms Longbourne V. Dr Bernard Kai Kam Lee College proprietor/employer v. student/employee

A student of acupuncture/herbal medicine (secretary/clinical assistant to College proprietor) claimed sex discrimination/sexual harassment/dismissal/victimisation by the proprietor when he made persistent sexual advances, latterly alternating with threats of rape and death, and then finally dismissed her. The Tribunal found sex discrimination by sexual harassment, and that her dismissal was due to sex discrimination due partly to her rejection of his advances and partly to her reporting his behaviour to other r colleagues (victimisation under s4). The student was awarded compensation of £340 for loss of earnings, £340 loss of benefit of job, £528 special damages of proportion of psychotherapist's fees and £3000 for injury to health and injury to feelings aggravated by his persistence in face of her refusals (aggravated damages).

Ms McGuiness v. Finchale Training College Student v. student – liability of college

A college student complained of sex discrimination under s14 for failure to investigate her complaints of threats/harassment from a fellow student properly and for terminating her training when her work deteriorated as a result of the failure to deal. The fellow student had, for no apparent reason, threatened her with physical violence. When she complained to the college principal, he said 'she was a tall attractive redhead and would have to put up with harassment of this sort'. He arranged for the harasser to apologise, but without anyone else present. The tribunal found that the failure to deal was sex discrimination (the 'redhead' remark would not have been made to a man) and the respondents were liable because of failure to take reasonable steps to prevent/failure to investigate.

What does the law say?

If a student believes that she (he) has been sexually harassed by a lecturer, she (he) can take a case under sections 1 and 22 *c) (ii) of the Sex Discrimination Act. Under those sections, it is unlawful for an educational establishment to subject a student to 'any other detriment'. In the absence of any case law, the EOC believes that 'any other detriment' would cover sexual harassment. By virtue of section 41 of the SDA, the employer, the college, would be vicariously liable for the acts of their employees carried out 'in the course of their employment', whether or not they are done with the employer's knowledge of approval.

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An educational establishment has legal obligations in relation to sexual harassment and should have taken reasonable preventative steps before the harassment has occurred. Once allegations have arisen, there should be proper procedures in place to deal with them containing sufficiently serious sanctions, including dismissal should the case be proved.

Where an allegation of sexual harassment is made by a student against a student, the ground would be a claim that the environment of the college was such that it could be reasonably argued that the college was responsible, e.g. if the college was aware of the harassment (particularly if it had been reported to them and a complaint made) but no action was taken. The victim would of course have common law remedies.

What should a college do?

A college should have a clear sexual harassment policy, and follow the procedures specified in the policy. Complaints of sexual harassment should be handled the same way as any other complaint of misconduct of similar gravity. Whether or not an alleged harasser is suspended will depend on the procedures in the policy; but in drawing up those procedures the college needs to have regard to the circumstances in which suspension occurs under the terms of the normal disciplinary procedures. The college has a responsibility of care towards its students and should thus investigate all complaints of sexual harassment whether or not the complaint is classed as a 'criminal offence'. Claims in relation to harassment of students by students may be heard by the County Court where the course of study would be regarded as 'education' rather than vocational training.

The EOC and other organisations will, in appropriate cases, assist complainants to bring cases before industrial tribunals.

The procedures and law are similar for both racial and sexual harassment. The courts and industrial tribunals have upheld the view that sexual harassment falls within the scope of the Sex Discrimination Act 1975. If an industrial tribunal upholds a claim for sex discrimination, it can lead to:

- an order declaring the the complainant suffered discrimination
- an award of compensation, which includes an amount for injury to feelings (there is no maximum limit on awards)
- recommendations that the employer take action to assist the complainant – often this will include a recommendation that the complainant be transferred.

Appendix 2: Useful publications and addresses

Publications

Commission for Racial Equality publications

A Measure of Equality: Monitoring and achieving racial equality in employment. (1991)

Code of Practice for the Elimination of Racial Discrimination in Education: England and Wales. (1989)

Ethnic Monitoring in Education. (1992)

Lessons of the Law: A casebook of Racial Discrimination in Education. (1991)

Race Relations Code of Practice: for the elimination of racial discrimination and the promotion of equal of opportunity in employment. (1984)

Racial Discrimination and Grievance Procedures: a practical guide for employers. (1989)

Racial Equality and Council Contractors. (1995)

Racial Equality means Business: A Standard for Racial Equality for Employers. (1995)

Tackling Racial Harassment: A caseworker's handbook. (1995)

Young and Equal: A standard for racial equality in services working with young people. (1995)

Equal Opportunities Commission publications

A Guide for Employers to the Sex Discrimination Acts 1975 and 1986. (1994)

Avoiding Sex Bias in Selection Testing. (1993)

College Equal Opportunities Guide: Wales. (1995)

Consider the Cost: Sexual Harassment at Work. (1994)

Fair and Efficient Selection: Guidance on equal opportunities policies in recruitment and selection procedures. (1995)

Code of practice: Equal opportunity policies, procedures and practices for the elimination of discrimination on the grounds of sex and marriage and the promotion of equality and opportunity in employment. (1985)

Monitoring. (1995), Positive Action. (1995), Targeting. (1995)

Positive Action in Vocational Education and Training. (1994)

Positive Action in Recruitment Advertising. (1994)

Women and Training: a review. (1991)

Women in Post-Compulsory education and Training in Wales. (1994)

[illegible] Development Agency

Assuring quality in collaborative provision. (1998)

Charters in FE: making them work. (1996)

Community profiling. (1995 – update due 1998)

Further Education: giving young people a new start. (1997)

Images of possibility: adult learners and mental health. (1997, with NIACE)

Towards self-assessing colleges. (1996)

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Further Education Funding Council (England)

Duties and Powers. (1996)

Further Education for Young People with Learning Difficulties and/or Disabilities: the Role of the Funding Council. (1996)

How to widen participation: a guide to good practice. (1997)

Identifying and addressing needs: a practical guide. (1997)

Inclusive Learning. (1996)

Learning works: widening participation in further education. (1997)

Mapping Provision. (1997)

Provision for Students with Learning Difficulties and/or Disabilities: Good Practice Guide. (1996)

Student statistics 1994-95 Further Education Colleges in England. (1998)

Student voices. (1996)

Widening participation in further education: statistical evidence. (1997)

Further Education Funding Council for Wales

Quality Assessment Handbook. (1997)

Other publications

Department for Education. Further choices and quality: the Charter for Further Education. (1993)

Employment Department. Sex Discrimination: A guide to the Sex Discrimination Act 1975. (1980)

HMI Equal Opportunities in Further Education: A survey of good practice in England and Wales Ref 124/92/NS. (1992)

European Commission. Recommendations and Code of Practice in the Protection of the Dignity of Women and Men and Work c(91) 2625. (1991)

Race Relations Employment Advisory Service. Positive Action: Promoting racial equality in employment. (1994

Publications from the following organisations may also be of interest:

Age Concern: the rights of older learners, etc.

NIACE: provision for older, adult learners, etc.

Mind: mental health briefings, etc.

NATFHE: harassment at work pack, equal opportunities, etc.

NACRO: guidelines on the Rehabilitation of Offenders Act.

Unemployment Unit: (briefings on the Job Seekers' Allowance, student finance, New Deal, 16 hour rule).

Refugee Council (briefings /publications on refugee rights).

Skill: briefings on financial and other assistance for students in FE and HE

Stonewall: gay and lesbian rights.

World University Service: guidance for overseas students.

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Addresses

Commission for Racial Equality

Head Office, Elliott House, 10/12 Allington Street, London SW1E 5EH [0171] 828 7022

Birmingham Office, Alpha Tower (11th floor), Suffolk Street Queensway, Birmingham B1 1TT [0121] 632 4544

Leeds Office, Yorkshire Bank Chambers, Infirmary Street, Leeds LS1 2JP [0113] 243 4413

Manchester Office, Maybrook House (5th floor), 40 Blackfriars Street, Manchester M3 2eG [0161 831 7782]

Leicester Office, Haymarket House (4th floor), Haymarket Shopping Centre, Leicester [0116] 251 7852

Scotland Office, 45 Hanover Street, Edinburgh EH2 2PJ, 0131 226 5186

Wales Office, Pearl Assurance House, Greyfriars Street, Cardiff CF1 3AG [01222] 388977

Equal Opportunities Commission

Head Office, Overseas House, Quay Street, Manchester M3 3HN, [0161] 833 9244

Wales, Caerwys House, Windsor Lane, Cardiff CF1 1LB, [01222] 343522

Scotland, Stock Exchange House, 7 Nelson Mandela Place, Glasgow G2 1QW, [0141] 248 5833

Further Education Funding Council (England)

Head Office, Cheylesmore House, Quinton Road, Coventry CV1 2WT

Further Education Funding Council for Wales

Linden Court, Ty Glas Avenue, Llanishen, Cardiff CF4 5DZ

Age Concern

England, Astral House, 1268 London Road, London SW16 4ER, [0181] 679 8000
Greater London, 54 Knatchbull Road, London SE5 9QY [0171] 737 3456

MIND

15-19 Broadway, London E15 4BQ [0181] 519 2122

NACRO

169 Clapham Road, London SW9 0PU [0171] 582 6500

NATECLA

National Centre, South Birmingham College, 520-524 Stratford Road, Birmingham B11 4AJ [0121] 694 5070

National Disability Council (NDC)

Mea House, Ellison Place, Newcastle NE1 8XS [0191] 261 1628

NATFHE

27 Britannia Street, London WC1X

Skill: National Bureau for Students with Disabilities

336 Brixton Road, London SW9 7AA [0171] 274 0565

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NIACE

21 de Montfort Street, Leicester LE1 7GE, [0116] 255 1451

Refugee Council

Bondway House, 3-9 Bondway, London SW8 1SJ [0171] 820 3000

RTES (Refugee Training and Education Advisory Service)

14 Dufferin Street, London EC1Y 8PD [0171] 426 5800

Stonewall

16 Clerkenwell Close, London EC1R QAA [0171] 336 8860

WUS

as RTES above

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Appendix 3: How to use the EO self-assessment pro forma

The disk contains three files in Word 6:

- Read me - with explanations of how to use the forms
- self-assessment pro forma
- self-assessment report format

The pro forma located on the floppy disk accompanying this manual corresponds to the FEFC, CRE and FEFCW sector expectations listed in Chapter 7, and is laid out as follows:

Equality statements	✔	Sources of indicative evidence	x	Action required by	Grade 1-5
The college's mission statement, strategic plan and charter reflect its commitment to eliminating discrimination, widening participation promoting equality of access and outcomes, and serving the needs of all sections of the local community		Mission statement/charter Policy statements Strategic and operational plans Surveys of the views of students, staff, employers and members of the local community			

Column 1: Use the **Equality Standards** listed when identifying EO objectives and targets, and as a basis for the college's equal opportunities self-assessment

Column 2: Place a tick against any equality standards listed in column 1 that the college is already able to meet

Column 3: Use the **Indicative sources of evidence** as a basis for identifying the evidence the college will supply in support of its self-assessment

Column 4: Place a cross against any evidence that the college is unable to produce

Column 5: Make a list of any **actions required** to enable the college to meet the relevant Equality Standard and produce the required evidence

Column 6: Identify **who is responsible** for the actions identified in column 5

Column 7: **Grade** the college's performance in the specified area on a scale of 1-5:

Colleges may prefer to grade individual quality statements or to award a grade to a group of statements.

Grade 1 = outstanding provision which has many strengths and few weaknesses

Grade 2 = good provision in which the strengths clearly outweigh the weaknesses

Grade 3 = satisfactory provision with strengths but also some weaknesses

Grade 4 = less than satisfactory provision in which the weaknesses clearly outweigh the strengths

Grade 5 = poor provision which has few strengths and many weaknesses

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Suggestions for using the self-assessment pro forma

1. Check whether the 'Equality Statements' are appropriate. These may have been added to or amended when working on the questions in Chapter 7 of the manual.
2. Amend the disk accordingly.
3. Decide which sections of the pro forma/disk should be completed by individuals or groups within the college and a suitable timescale to integrate this work into the college's self-assessment and strategic planning cycles.
4. Provide appropriate guidance to teams to help them use this audit as part of the self-assessment process. Teams (and individuals) sometimes find it difficult to decide their major strengths and weaknesses. They may not be aware of appropriate benchmarks against which they can measure their achievements. Some use descriptive rather than evaluative words in their self-assessment reports.
5. Look at the self-assessment pro forma and summarise and select the main strengths and weaknesses. (See the sample page from the self-assessment report format). Some teams fail to link strengths and weaknesses to their proposed action plans. The format set out overleaf for a self-assessment report and included on the disk was developed by FEDA and may be of use to colleges in deciding which areas to target for improvement.

Suggestions for using the self-assessment report format

Guidance to teams

1. Identify key strengths and weaknesses:
   Teams are sometimes inclined to include too many items, some of which are simply good practice which can be expected, e.g. *'lessons are effectively planned'*.
   They should be. This is not a key strength.

2. Each strength or weakness to include an evaluative word:
   It can help to apply the *'so what?'* factor, e.g. *'All full-time students have a weekly, recorded tutorial in which the college tutorial curriculum is followed.'*
   So what? This sentence only discusses what happens. Is the outcome of this positive?
   Instead you could write:
   The weekly tutorials for all full-time students introduced in 1997 have proved effective in improving completion rates and achievement rates.

3. No strength or weakness to be included without evidence:
   e.g. *As a result of the new tutorial system:*
   - *attendance rates have improved from A in 1996 to B in 1997*
   - *achievement rates from C in 1996 to D in 1997*
   - *student satisfaction with tutorials measured in the annual questionaire has increased from E in 1996 to F in 1997.*

4. Identify priority areas for action.

5. Set challenging but achieveable targets.

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Self-assessment report format

Self-assessment of...

Startegic priorities for 1997/98

-
-
-

Performance Indicators:

Strengths	**Source of evidence**

Weaknesses	**Source of evidence**

Overall commentary and judgement

Grade

Priorities for action 1998/99	**Targets**

widening participation

Equality of opportunity – expressed through widening participation and inclusive learning – lies at the heart of the FE agenda. Recent legislation and the 'Tomlinson' and 'Kennedy' reports have reinforced the need for colleges to address equality issues, including those not covered formally by legislation, and to be more responsive to the needs of under-represented groups.

Equality assurance: self-assessment for equal opportunities in further education has been jointly updated and developed by FEDA, the Commission for Racial Equality and the Equal Opportunities Commission from the influential 1995 manual *Further Education and Equality*. It is designed to support colleges in pursuit of equality, within the new inspection context of self-assessment, and contains guidance on:

- current legislative demands on colleges
- the quality case for equality
- creating and implementing an equal opportunities policy
- identifying, measuring and embedding equality targets
- dealing with racial, sexual and other harassment

The unique central section, based around fulfilling FEFC inspection guidelines, combines:

- sector expectations
- suggested sources of indicative evidence
- key questions
- brief case studies

in a vivid and accessible format for ease of use and cross-reference.

This comprehensive manual is accompanied by a disk containing a self-assessment pro forma in which the key questions have been transformed into equality statements and a suggested self-assessment report format.